

## EXHIBIT 5

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No. 03-MDL-1570 (GBD) (SN)  
-----x.  
IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001  
-----x

August 5, 2021  
9:09 a.m.

Videotaped Deposition via Zoom  
of EVAN KOHLMANN, pursuant to Notice,  
before Jineen Pavesi, a Registered  
Professional Reporter, Registered Merit  
Reporter, Certified Realtime Reporter and  
Notary Public of the State of New York.

1 KOHLMANN

2 A. That's a difficult question to  
3 answer.

4 I first began doing work for --  
5 on this investigation, on this case, on  
6 behalf of plaintiffs' counsel I believe in  
7 January of 2004, December of 2003.

8 Q. How did it come to pass that  
9 you began to do work for plaintiffs'  
10 counsel in this case in or around late  
11 2003 or early 2004?

12 A. I had been conducting extensive  
13 research into the means by which Al Qaeda  
14 and other terrorist groups were financing  
15 themselves, I was researching both  
16 individuals as well as organizations who  
17 were allegedly contributing funds either  
18 to Al Qaeda, Al Qaeda allies or other  
19 terrorist organizations.

20 I don't recall exactly how we  
21 first came into contact, but plaintiffs'  
22 counsel obviously was interested in the  
23 means by which Al Qaeda was receiving  
24 financing and I was put on retainer.

25 Q. Did plaintiffs' counsel reach

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2 Q. You also say, "I am also the  
3 recipient" -- strike that.

4 Did you ever sit for the bar  
5 exam, sir?

6 A. No, I did not take the bar  
7 exam.

8 Q. So you are not a lawyer, you  
9 just hold a JD degree?

10 A. Exactly, correct.

11 Q. A wise choice, I'm sure.

12 You say, "I am also the  
13 recipient of a certificate in Islamic  
14 studies from the Prince al-Waleed Bin  
15 Talal Centre for Muslim-Christian  
16 Understanding at Georgetown University."

17 Now, I have read I believe more  
18 or less everything you've said on this and  
19 other topics.

20 That is not the name, that is  
21 not the name of the certificate that you  
22 received, is it?

23 A. The exact name is the  
24 Certificate of Islam and Muslim-Christian  
25 Understanding, it's a long thing to write

1 KOHLMANN

2 out, but it is a certificate in Islam  
3 and --

4 Q. I've seen you write it out  
5 before, but it's not in Islamic studies,  
6 it's called Islam and Christian-Muslim  
7 Understanding?

8 A. Well, again, the exact name is  
9 Islam and Muslim-Christian Understanding,  
10 but the actual content of that, in order  
11 to get the certificate, you're doing  
12 Islamic study, yeah.

13 Q. There is a minor in Islamic  
14 studies at the Walsh School of  
15 International Foreign Services, is there  
16 not?

17 A. I don't know and I don't know  
18 if it existed back when I was at school  
19 there 23 years ago.

20 When I was in school there, the  
21 Centre For Muslim-Christian Understanding  
22 was the just the center for that.

23 It has since been named the  
24 Prince al-Waleed Centre, so I did what was  
25 available then --

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2 Q. Do you speak any of the  
3 languages spoken in the former Yugoslavia,  
4 Serbo-Croatian or Bosnia?

5 A. No, I don't.

6 Q. Do you speak Tagalog or any of  
7 the other languages spoken in the  
8 Phillipines?

9 A. No.

10 Q. Do you speak Bahasa Indonesia  
11 or any of the languages spoken in  
12 Indonesia?

13 A. No, I don't.

14 Q. I would like to move on to  
15 publications.

16 You testified in the case of  
17 the Queen versus Faquh, do you recall  
18 that, that's an English case?

19 A. Yes, I do, Libyan Islamic  
20 Fighting Group, yes.

21 Q. You testified "every paper that  
22 I write is extensively peer-reviewed by  
23 academics and by others around the world."

24 A. Yes, I remember that, yes.

25 Q. Do you recall giving that

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2 testimony?

3 A. Yes.

4 Q. And that's not true, is it?

5 A. What part of it is not true?

6 Q. "Every paper that I write is  
7 extensively peer-reviewed," that's not  
8 true, is it?

9 A. When --

10 Q. "By academics and by others  
11 around the world," all in one sentence?

12 A. You're going to have to let me  
13 answer the question.

14 When that statement was made,  
15 every paper that I produced before I  
16 published it I engaged in at least  
17 informal peer review, if not formal peer  
18 review.

19 Not every single paper I have  
20 written has been formally peer-reviewed,  
21 but the idea that I simply publish papers  
22 without having other experts review them  
23 is false.

24 As far as formal peer review,  
25 if you're referring to formal peer review,

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2 not all of my papers are formally  
3 peer-reviewed, but some of them are, it  
4 just depends on the publication, because  
5 not all publications either require or  
6 even allow for formal peer review and, you  
7 know, I'm not a professor, so I publish in  
8 a variety of different publications,  
9 including things that are newsletters,  
10 newspapers, all sorts of different things,  
11 but don't necessarily have a formal  
12 peer-reviewed process attached.

13 But my book was formally  
14 peer-reviewed, I've written papers,  
15 academic papers within the last few years  
16 that have been formally peer-reviewed, so,  
17 yeah, I do engage in both informal as well  
18 as formal peer review.

19 Q. By informal peer review, you're  
20 saying you show what you write to friends  
21 and ask them what they think?

22 MR. HAEFELE: Objection to  
23 form.

24 A. No.

25 Q. Do you always show them to



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2 academics?

3 A. I show them to academics, I  
4 show them to policy makers.

5 I'm trying to get a full  
6 spectrum view in terms of, I don't want to  
7 get a biased view, right, if you only show  
8 them to policy makers, you only show them  
9 to your friends, you're not going to get a  
10 very good view, right.

11 I try to find other folks in  
12 the community who have views that may not  
13 necessarily comport exactly with mine but  
14 who were qualified to be able to review  
15 these things and be able to make  
16 assessments.

17 But, again, publishing a paper  
18 without having someone look at it  
19 beforehand is not a good idea.

20 Q. Let me ask you a question.

21 Have you ever published a paper  
22 without showing it to someone who is an  
23 academic?

24 A. I can't recall, not in the last  
25 ten years certainly.

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2 I mean almost every single one  
3 of the papers I have worked on I would  
4 share them with at least someone who is at  
5 least tangentially academic, at least  
6 someone who is working in the field or is  
7 teaching almost always.

8 There might be some example of  
9 something I've written that hasn't, but  
10 almost every single one has been shared  
11 with multiple different people, including  
12 folks that are, you know, on the academic  
13 side, not on the policy side.

14 Q. Who are the people that you  
15 generally show your papers to before you  
16 publish them?

17 A. Sure.

18 So over the years I have  
19 created I guess friendships,  
20 relationships, with a bunch of different  
21 people who I've encountered at  
22 conferences, I've spoken with generally --  
23 just depends on the issue really,  
24 different people work on different issues.

25 I'm trying to think, my most

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2 recent paper about the Syrian Electronic  
3 Army, I forget exactly who I shared it  
4 with, but I shared it with a bunch of  
5 different people who have done work on the  
6 Syrian Electronic Army, I don't think I  
7 shared it with anyone on the policy side,  
8 I think substantive researchers, but I  
9 would have to dig up exactly who I sent it  
10 to, I usually sent to a bunch of different  
11 people to source an opinion.

12 Q. Do you ever send papers to  
13 Steven Emerson for his review?

14 A. No, I haven't spoken with  
15 Steven Emerson since December of 2003,  
16 November of 2003, something like that.

17 Q. You haven't spoken to him since  
18 then?

19 A. No.

20 Q. Did you have a falling out with  
21 him when you left?

22 A. I did not want to work there  
23 anymore.

24 Q. We'll come onto Steven Emerson.  
25 Let me ask you about, can you

1 KOHLMANN

2 A. I've been given access to  
3 materials that are declassified but  
4 sensitive and nonpublic, but that's the  
5 extent.

6 Q. The Paracha case was in 2005  
7 and you testified that you made a mistake  
8 in particular.

9 Do you recall you testified in  
10 2007 in a case called R versus Faqih and  
11 you recall that you were cross-examined by  
12 the famous human rights barrister Jeffrey  
13 Robertson QC, do you recall that?

14 A. I recall being questioned, I  
15 don't remember the name of the person that  
16 questioned me, but I will take your  
17 assertion that that's who it was.

18 Q. I am going to read you the  
19 testimony there and ask you whether you  
20 were asked these questions and gave these  
21 answers?

22 "Question: Your book is a book  
23 described as published by Berg Publishers?

24 "Answer: It is Oxford  
25 University Press, I believe.

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2 "Question: That is a false  
3 statement, Mr. Kohlmann, is it not?"

4 MR. HAEFELE: I object to the  
5 question and -- I am going to object to  
6 you asking him whether or not he said  
7 something without putting the transcript  
8 in front of him.

9 MR. LEWIS: Well, if he says I  
10 need to see it, I'll show him the  
11 transcript.

12 Q. Would you like to see the  
13 transcript?

14 A. Again, you're talking about  
15 testimony that was about 14 years ago,  
16 I've got to see it if you're going to ask  
17 a question about it.

18 Q. If you think I'm going to read  
19 it inaccurately or somehow making things  
20 up, I'll show you --

21 A. Well, I have to see the  
22 context; again, it is 14 years ago, you've  
23 got to be a little patient here.

24 I remember a lot of stuff, but  
25 I can't remember every conversation I had

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2 in court.

3 I recall this generally, but it  
4 would be very helpful to see the exact  
5 context --

6 Q. Okay.

7 I'm going to show you the  
8 document, document 56, please.

9 MR. LEWIS: It is going to be  
10 marked Exhibit 1006.

11 ( Exhibit 1006, Excerpt of  
12 transcript testimony, was marked for  
13 identification, as of this date.)

14 Q. It is up there now and I am  
15 going to read it to you.

16 Page 21, "Question: Your book  
17 is a book described as published by Berg  
18 Publishers?

19 "Answer: It is Oxford  
20 University Press, I believe.

21 "Question: That is a false  
22 statement, Mr. Kohlmann, is it not, Oxford  
23 University Press? It was published by  
24 Berg.

25 "Answer: Which is an imprint of

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2 Oxford International Publishers.

3 "Question: Which is not Oxford  
4 University Press.

5 "Answer: Excuse me, the book  
6 itself was peer-reviewed. In order to  
7 have it published by Berg, I had to have  
8 it peer-reviewed, first of all, by  
9 individuals of my choosing, then  
10 subsequently it was peer-reviewed by  
11 individuals of their choosing with whom I  
12 did not have any contact, nor do I even  
13 know today who they were. But every paper  
14 that I write is extensively peer-reviewed  
15 by academics and by others around the  
16 world."

17 And then you continue, you can  
18 read it obviously if you like, but it is  
19 not germane.

20 My question to you, sir, first,  
21 were you asked those questions and did you  
22 give those answers.

23 A. Yes, I did.

24 Q. And in fact you knew in 2007  
25 that it was not Oxford University Press

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2 and that Berg was not an imprint of Oxford  
3 University Press --

4 A. Well, the operative --

5 Q. I asked you a question.

6 You knew in 2007 that --

7 A. I have to respond, you can't  
8 interrupt me --

9 Q. You can, but first answer my  
10 question.

11 A. I am responding to your  
12 question, you have to let me respond; if  
13 you don't want me to respond to the  
14 question, I won't respond to the question.

15 If you want me to explain, the  
16 operative words here were "I believe."

17 I made a mistake; again, I was  
18 under cross-examination, I was supposed to  
19 say Oxford International Press.

20 As I said, "I believe," the  
21 operative words, I made a mistake of one  
22 word, it was not intentional, it was the  
23 same stupid mistake again.

24 After this experience I stopped  
25 making it, two times, I stopped doing that



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2 by accident, but, yes, it was purely an  
3 accidental mistake, I meant to say Oxford  
4 International Press.

5 If you see the words, "I  
6 believe," that tells you right there I was  
7 trying to search for the right words, I  
8 came up with one word off, I'm sorry.

9 Q. Well, you do say "I believe,"  
10 and then when he says "that is a false  
11 statement, Mr. Kohlmann, is it not,"  
12 you --

13 A. I was not responding to that,  
14 sorry, I was responding to the assertion  
15 that it was not a university press or not  
16 an academic press, sorry.

17 Again, to be very clear here,  
18 it was a mistake, I messed up one word, I  
19 switched university for international, it  
20 was not meant to convey any meaning beyond  
21 what it was, it was simply a mistake under  
22 cross-examination, I used the word wrong.

23 The truth is I probably used it  
24 a second time because I did the first time  
25 and I repeated the same thing again, but

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2 it was a mistake.

3 Q. Right.

4 When did you learn about your  
5 first mistake in 2005, at the time?

6 A. Honestly it didn't really  
7 register with me until this case, until  
8 2007, when I did this cross-examination  
9 suddenly it occurred to me that I was  
10 saying university instead of international  
11 sometimes.

12 Ever since then I have been  
13 very, very careful when anyone asks me  
14 about this to be very clear Oxford  
15 International, not Oxford University.

16 It's really literally just a  
17 mistake.

18 Q. And yet in 2011, in the case of  
19 United States versus Kazuu, you still  
20 identified Berg as a university press when  
21 you knew it wasn't, is that a third  
22 mistake, sir?

23 A. Producing books that are used  
24 in universities for teaching purposes, by  
25 my definition that's a university press.

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2 have training in the laws and regulations  
3 that apply to charities?

4 A. Law --

5 Q. Charities, sorry, it didn't  
6 come through clearly.

7 A. Are you talking about shariah  
8 law or are you talking about man-made law.

9 Q. I'm talking about man-made law  
10 with respect to regulations and laws that  
11 apply to charities.

12 A. Yes, I am familiar with that,  
13 yes.

14 Q. Do you have training in that?

15 A. Yeah, on-the-job training, yes.

16 Q. And so you know what  
17 regulations apply to specific charities in  
18 specific countries in specific times, do  
19 you?

20 A. My expertise in charitable is  
21 mostly focused on how it applies here in  
22 the U.S.

23 I've extensively reviewed 990  
24 and 1023 forms, I am familiar with the  
25 requirements behind them, I've taken a

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2 look at well-filed 990s versus  
3 poorly-filed 990s, I have spent extensive  
4 time working with Star database, I have  
5 spoken with, interviewed and even taught  
6 IRS, CIA investigators who are focused on  
7 abuse of charitable institutions for  
8 terrorist financing purposes.

9 But I think obviously I know  
10 something about what has been done outside  
11 the U.S., primarily in Saudi Arabia, but I  
12 would say my familiarity with legal  
13 provisions is primarily here in New York.

14 Q. I think we talked about  
15 banking.

16 Are you an expert -- sorry,  
17 strike that.

18 Do you have training with  
19 respect to the operation of NGOs?

20 A. Not NGOs generally, NGOs that  
21 are affiliated with armed organizations, I  
22 guess is the way you can say it.

23 Q. Do you have training with  
24 respect to relief operations in crisis  
25 zones?

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2 A. Honestly, I can't remember,  
3 because in a number of different cases I  
4 have been approved by a judge to do  
5 exactly this, so this is the only case I  
6 think where a judge didn't allow me to say  
7 what Jihad means.

8 I honestly don't recall this  
9 one.

10 Q. Is it your recollection this is  
11 the only case you were not allowed?

12 A. I do not recall, but, again, I  
13 can only tell you what I do recall.

14 What I recall is there are  
15 multiple cases where I have been  
16 specifically approved by a judge to talk  
17 about the meanings of the word Jihad,  
18 Jihadeen, Shahada, things like that,  
19 infidel, kafir, kafir, things like that,  
20 specifically what this means within the  
21 Islamic religion, et cetera, et cetera,  
22 right.

23 Generally speaking, I'm not  
24 proffered as an expert on Islam, that's  
25 true, and I don't speak Arabic, that's

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2 stating, quote, "you are," quote,  
3 "'unfamiliar with basic terms and theories  
4 of social science research,'" unquote,  
5 "and that you do not, quote, '"employ or  
6 recognize social scientific tools, such as  
7 random sampling and blind tests to control  
8 for bias or error.'"

9 Do you recall the ruling, the  
10 judge making that ruling in that case?

11 A. I recall the judge ruling that  
12 I was not allowed to testify on the  
13 homegrown terrorist model, yes.

14 Q. Would you like to see the  
15 specific language or are you content --

16 A. No, I just made clear that I  
17 did testify in that case, I just didn't  
18 testify about homegrown terrorist model, I  
19 testified everything in it except for the  
20 model.

21 Q. Let me ask you about the Babar  
22 Ahmad case.

23 Do you remember in that case  
24 you changed a transcript of Jamal al-Fadl  
25 and put the term in brackets Al Qaeda for

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2 where he said rule, when he was talking  
3 about his experience in Afghanistan?

4 MR. HAEFELE: Objection to  
5 form.

6 A. Yeah, I think -- I believe I  
7 do, it was a mistake I made, that's  
8 correct.

9 Q. You made that mistake in Babar  
10 Ahmad, that where he was talking about  
11 what was happening in camp, he said the  
12 rule and you substituted Al Qaeda?

13 A. I was reading a transcript and  
14 I was under the understanding that he was  
15 referring to Al Qaeda when he was  
16 discussing it, but upon further review and  
17 after lengthy discussion and what not, my  
18 sense is it probably is not, but, yeah, I  
19 would say afterwards -- I'm certainly not  
20 sure enough to say for sure he was  
21 referring to Al Qaeda, no.

22 Q. The Hasbajrami case, you put  
23 the same brackets in Al Qaeda rather than  
24 rule a year later?

25 A. Yeah, I'm sure.

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2 The issue in that case, the  
3 Hasbajrami case was not an issue about  
4 whether or not Jamal al-Fadl --

5 THE COURT REPORTER: Stop, I  
6 couldn't hear you.

7 THE WITNESS: It's my fault,  
8 I'm speaking too fast.

9 A. In the Hasbajrami case, which I  
10 don't know the spelling offhand, I'm very  
11 sorry, the key issue in that case was not  
12 whether or not Jamal al-Fadl said that  
13 about Al Qaeda, the key issue was about  
14 providing basic Al Qaeda background.

15 I think I just, you know, I was  
16 just including kind of general Al Qaeda  
17 background in my expert report, it is  
18 possible I included that too by accident,  
19 but that's -- again, that fact wasn't  
20 germane to the case, it wasn't significant  
21 to the case, it didn't change the meaning  
22 of my expert report, it didn't change the  
23 meaning of whether or not my expert  
24 analysis was relevant or what the  
25 conclusion was, you know, it was a typo.



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2 Q. Let's take Haroun --

3 A. Eastern District of New York.

4 Q. That's right, before Judge  
5 Coogan.

6 A. Yes, sure.

7 Q. You made the same alteration of  
8 the transcript to substitute Al Qaeda for  
9 rule in that one, too, and that was in  
10 2017?

11 A. It is a typo, again, it is a  
12 typo.

13 Again, just to be very clear,  
14 while it is a typo, it should have been  
15 corrected, it had no bearing at all on the  
16 nature of that case, of the significance  
17 of my testimony, it had no significance on  
18 the nature of what Al Qaeda does, on any  
19 involvement by Mr. Haroun, it was an  
20 additional detail that, sure, it should  
21 have been amended, but it had no -- it  
22 was not germane to what was going on in  
23 the case.

24 As far as I am aware,  
25 Mr. Haroun had no conversation with Jamal

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2 al-Fadl, nothing Jamal al-Fadl said had  
3 direct import to what Mr. Haroun was  
4 doing, it was background information about  
5 Al Qaeda.

6 Q. But the mistake had been  
7 pointed out to you before Haroun, but you  
8 failed to correct it.

9 A. You know something, I'm writing  
10 70-page long reports that have 400  
11 footnotes, I catch most of any errors that  
12 are in there, I catch most of any issues,  
13 but I am a human being.

14 Occasionally in 400 footnotes,  
15 one slips by that there is a problem with,  
16 sure.

17 I would proffer that myself,  
18 when you have that much research and that  
19 many footnotes, one out of 400, that's a  
20 pretty good error rate.

21 Q. We can debate whether it is  
22 one, but we have the afternoon to do that.

23 MR. LEWIS: As I understand it,  
24 people wanted to break at 1 o'clock, I  
25 think it is five past 1 now, so shall we

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2 Commission Report, right.

3 This is a tertiary source,  
4 right, this is a source that's very  
5 valuable for contextual reasons, it is  
6 valuable for framing arguments,  
7 occasionally even a tertiary source will  
8 have a piece of factual information that  
9 is unique and interesting and it's worth  
10 putting that, but you have to be very  
11 careful.

12 If you're going to say this is  
13 a fact and it comes from a tertiary  
14 source, you have to really carefully label  
15 it as this was a newspaper article or this  
16 was the 9/11 Commission Report or this was  
17 this, this was that, because in the end  
18 tertiary information has been laundered  
19 several times and there is bias and there  
20 is the game of telephone and there is  
21 other elements that kind of will squish  
22 that a little bit.

23 So you have to be a little bit  
24 careful about taking that verbatim unless  
25 you have other sources that can

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2 corroborate it, or if you're just very  
3 careful in framing it and saying, look, I  
4 don't know, but this source is claiming  
5 this.

6 That's not the end of the  
7 story, because, you know, you can have a  
8 wonderful primary source interview with  
9 the leader of a terrorist group or  
10 imprisoned terrorist operative and it can  
11 be terribly instructive and they can tell  
12 you great things, still have to account  
13 for bias, right.

14 If you talk to someone who is  
15 in prison awaiting trial, they're  
16 obviously not going to incriminate  
17 themselves, right, they're obviously not  
18 going to incriminate themselves unless  
19 they're completely stupid.

20 In the same vein, if you're  
21 looking at a video from a terrorist group,  
22 just because Osama bin Laden says  
23 something is the case, you have to assess  
24 is this really his opinion or is this a  
25 fact, because just because he says it,

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2 Q. You used detainee unclassified  
3 evidence summaries as the basis for your  
4 opinion, do you?

5 A. I use it as --

6 MR. HAEFELE: Objection to  
7 form.

8 A. I use it as a tertiary source.

9 Obviously these interviews were  
10 not done under particular duress, they  
11 were done in front of an administrative  
12 review board and they are sort of out  
13 there.

14 A good amount of the  
15 information in here can be corroborated by  
16 other sources; for instance, the fact that  
17 IIRO was involved -- the idea that IIRO  
18 was funding al-Farouq camp has come up in  
19 numerous different contexts, so it is sort  
20 of looking at the information being  
21 provided, seeing whether or not any other  
22 detainees have given similar stories.

23 Obviously if a detainee  
24 volunteers that they are an IIRO employee,  
25 it is an admission against interest, I

1 KOHLMANN

2 MR. HAEFELE: You had said you  
3 had another example of what you wanted to  
4 provide.

5 THE WITNESS: Sorry.

6 A. I would refer to page 33 of my  
7 initial report and then into 34, paragraph  
8 105, 106, and then the inset, which is --  
9 sorry, to point exactly, that's the  
10 section about Dr. Sulauman bin al-Ali, who  
11 was a member of IIRO's executive committee  
12 and was the founder of IIRO's branch in  
13 northern Virginia.

14 And if you look in Section 105  
15 and 106, it details how money was  
16 transferred out of IIRO's accounts in the  
17 United States and that threw it into a  
18 terrorist finance investigation and the  
19 accountant for the organization that  
20 received the money called an F.B.I. agent  
21 to discuss his concerns that the money may  
22 have been used to finance the embassy  
23 bombings in Africa.

24 A former employee later posted  
25 on a chat session "The investigation to

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2 which IIRO was subject was being an  
3 investor in a commercial organization in  
4 Chicago which was raided by the  
5 authorities for a background of supporting  
6 terrorism and IIRO was the chief investor.  
7 What's touched the company touched the  
8 organization."

9 That's another example.

10 Q. IIRO invested money in an  
11 investment enterprise called BMI and they  
12 lost their investment, correct?

13 A. Actually, it wasn't BMI, no, it  
14 was Global Chemical Corporation, but they  
15 didn't lose the investment, the money was  
16 illicitly transferred.

17 Sulaiman bin al-Ali got in a  
18 lot of trouble over this.

19 Q. Was he ever charged?

20 A. My understanding is that IIRO  
21 forgave him and then he left the United  
22 States.

23 Q. IIRO sued him, did they not?

24 A. I think eventually they let it  
25 go, but I don't know the exact -- I'm not

1 KOHLMANN

2 front, it was to bring money into  
3 Afghanistan, but the amounts were small,  
4 total number I think was \$30,000, right.

5 So what does this tell you, it  
6 tells you that Al Qaeda was engaged in  
7 advanced schemes to get money, sometimes  
8 that money was smaller amounts, it lost  
9 money along the way, but that's truly the  
10 story of what it was doing.

11 Q. Let me move on.

12 Do you have any training, sir,  
13 any formal training in accountancy?

14 A. No, not beyond just analyzing  
15 the financial documents of charitable  
16 organizations, that's it.

17 Q. You're not a CPA?

18 A. No, no, no, no.

19 Q. You say, "Financial  
20 irregularities and atypical accounting  
21 practices are not bugs but features of  
22 these groups."

23 A. Yes.

24 Q. Mr. Winer said the same thing,  
25 that's a term in the computer world, I'm



1 KOHLMANN

2 been told not to and creating a secret  
3 bank account, that's not normal, you don't  
4 see Save the Children doing that.

5 Like I said, there is some  
6 level of graph and theft, okay, okay,  
7 okay, it's a nonprofit, I get it,  
8 sometimes that happens and it happens here  
9 in the U.S., but that doesn't happen,  
10 certainly not with an organization that  
11 should have much better oversight.

12 Q. The destruction of records that  
13 you're talking about, that was only in  
14 Pakistan, right?

15 A. No, I believe there was also --  
16 I have to double-check, but I think also  
17 in the Philippines as well.

18 Q. I am not going to argue with  
19 you about it, but that's not the case.

20 Let me ask you this question;  
21 how many audits did you review of branches  
22 of IIRO?

23 A. You mean for this case or just  
24 in general?

25 Q. Let's start with this case.

1 KOHLMANN

2 A. In this case I reviewed the  
3 documents that were provided to me.

4 As far as I understand it,  
5 documents chiefly centered around IIRO's  
6 offices in Pakistan, the Philippines and  
7 Indonesia as well as the eastern branch  
8 office obviously in Saudi Arabia.

9 Q. Did you review all of those  
10 audits?

11 A. Well, I don't know if I  
12 reviewed every single paper, but I  
13 reviewed most of them, yes.

14 Q. There were about 15 audits  
15 produced by IIRO and you've mentioned  
16 four.

17 Would it have been useful to  
18 your analysis to review the 15 and see  
19 whether these terms that you say crop up  
20 frequently were also cropping up in the  
21 other audits that you didn't review?

22 MR. HAEFELE: Objection to form  
23 and foundation.

24 A. If they popped up in four and I  
25 know that they've come up elsewhere in

1 KOHLMANN

2 other places where I've investigated the  
3 same group, you know, that's the whole  
4 point of Bayesian analysis, why would you  
5 bother continuing to hammer the nail head  
6 if you already have enough evidence to  
7 clearly point to the direction, right.

8 I could do that, I could do  
9 that, but I don't know that that would  
10 change my conclusion.

11 Again, once there is already  
12 evidence of something, what is that other  
13 stuff going to show me, I already found  
14 multiple instances where this has  
15 occurred.

16 Even if it is only four out of  
17 13, that's not good, that's not good.

18 Again, to your point, this is  
19 not a small organization, this is not an  
20 organization that doesn't have money or  
21 doesn't have people working or doesn't  
22 have, you know, government support, this  
23 is a Saudi-backed organization, they don't  
24 have any -- they don't have that excuse.

25 So, like, the idea that they

1 KOHLMANN

2 don't know what's going on, it's a big  
3 mystery, that doesn't -- that might occur  
4 in a small charity where, you know, they  
5 don't have any oversight and they have no  
6 government connection and dot dot dot, but  
7 in something like this, that doesn't make  
8 any sense to me.

9 Q. But if you're in 50 countries,  
10 that's a hell of a lot of oversight you  
11 need to do, isn't it?

12 MR. HAEFELE: Object to form.

13 A. IIRO is one of the largest  
14 charities in the world that has tons of  
15 people working for it, it has sharp  
16 oversight, it talks about the -- Saudi  
17 Arabia talks about how much oversight it  
18 has.

19 Obviously there is something  
20 there that there is a disconnect, someone  
21 is not telling the truth, right.

22 Q. Or someone is stealing or  
23 someone is not doing a good job, right?

24 MR. HAEFELE: Objection to  
25 form.

1 KOHLMANN

2 A. At that scale, no, no.

3 At a lesser scale -- it is  
4 like election fraud, if you're going to  
5 tell me there is a certain level of  
6 election fraud, okay, okay, possible,  
7 you're telling me it is enough to change  
8 the entire nature of the election, that  
9 doesn't make any sense.

10 Same thing in this case.

11 Q. Do you have any evidence that  
12 the fraud that was carried on by the head  
13 of the Pakistan office and chief  
14 accountant was done in order to funnel  
15 money for terrorism?

16 A. That particular incident I  
17 don't.

18 However, I am aware of the fact  
19 that the U.S. government and U.S. Treasury  
20 Department has multiple times said that  
21 the entire IIRO network was used to fund  
22 Al Qaeda's organization.

23 And based on that inference, I  
24 have to say that either it was graph or it  
25 was terrorist funding, I don't know which

1 KOHLMANN

2 one it was, but clearly it was illicit.

3 Q. You talk about IIRO being  
4 Saudi-supported.

5 Am I correct that the IIRO  
6 would be supportive of the policies of the  
7 Kingdom of Saudi Arabia?

8 A. Well, it depends what those  
9 policies are.

10 Q. You are aware, are you not,  
11 that in the early-to-mid 1990s, Osama bin  
12 Laden was -- had his citizenship removed  
13 and that he had his assets in Saudi Arabia  
14 frozen, correct?

15 MR. HAEFELE: Object to form.

16 A. May of 1993, yes.

17 Q. And in 1995 -- Osama bin Laden  
18 for his part called the Al-Saud regime an  
19 apostate regime, right?

20 A. He called certain people in  
21 charge, yes, he did.

22 Q. Senior officials of the Saudi  
23 government who were members of the al-Saud  
24 family?

25 A. He did reference to some of

1 KOHLMANN

2 killing other people, carrying out  
3 assassinations in foreign country,  
4 training people to go back and carry out  
5 assassinations in foreign country.

6 A lot of what they did had  
7 nothing to do with the Afghan Jihad.

8 Q. The Afghans were fighting each  
9 other too, the Afghan groups, that was a  
10 big problem as well?

11 A. Afterwards, afterwards, yes.

12 Q. Well, in the 1980s as well,  
13 there were seven groups and they were at  
14 each other's throats, correct?

15 A. True, that's a fact, that's  
16 true, yes.

17 Q. I would like to direct your  
18 attention to paragraph 71 in your report  
19 and which appears on page 23 of the  
20 report.

21 Do you have that, Mr. Kohlmann?

22 A. I'm looking at page 71, right.

23 Q. You say "Fayez Ahmad al-Shehri,  
24 one of the September 11th airline  
25 hijackers, reportedly told his father he

1 KOHLMANN

2 was going to go to work for the IIRO and  
3 never saw his family again," and then you  
4 quote an article, note 86, "Another Saudi  
5 hijacker turns up in Tunis."

6 Fayez Ahmad al-Shehri was not  
7 one of the September 11th hijackers, you  
8 know that, don't you?

9 A. I believe so, I would have to  
10 check on the name, I have to check the  
11 source on this one, I am not sure offhand.

12 Q. It is a pretty serious matter  
13 to call someone a 9/11 hijacker, why don't  
14 I show you the article.

15 A. I have to check.

16 MR. LEWIS: This is document  
17 33, which will be -- 33-A, Exhibit 1020.

18 ( Exhibit 1020, Arab News  
19 9/18/01, was marked for identification, as  
20 of this date.)

21 A. Sorry, I'm trying to --

22 Q. Take your time.

23 I will direct your attention to  
24 the last full paragraph --

25 A. Can you go to the next page.



1 KOHLMANN

2 (Pause.)

3 (Witness perusing document.)

4 A. Sorry, this is supposed to be  
5 Waleed al-Shehri, it's a typo, it's  
6 supposed to be Walled al-Shehri.

7 Q. Well --

8 A. He says here, he says, "My  
9 other son, Waleed, was 21 years old and  
10 also studying at The Teacher's College.  
11 Both of al-Shehri's sons disappeared in  
12 December of last year and have not been  
13 heard from since. According to sources  
14 close to the family, both sons became very  
15 religious," dot dot dot, this, that and  
16 the other.

17 That's what I was referring to  
18 here, sorry, I screwed up his name.

19 Q. Going down to the penultimate  
20 paragraph of the article, "It's claimed  
21 that Fayez Ahmad is the son of Muhammad  
22 Fayez al-Shehri, a school principal.  
23 Muhammad al Shehri said that two years ago  
24 his son told him he was going to join the  
25 International Islamic Relief Organization.

1 KOHLMANN

2 Since that time the only contact the  
3 family has had with him is one phone call  
4 received by his mother after Eid Al-Adha."

5 A. It is a mistake, it is a typo.

6 I put two things together here  
7 by accident, that's just a mistake, I will  
8 remove it from the report if you want.

9 Again --

10 Q. Well, you've identified someone  
11 as a September 11th hijacker who worked  
12 for IIRO and that's not true.

13 The September 11th hijackers,  
14 two al-Shehri brothers had no connection  
15 to IIRO, correct, that's --

16 A. I don't know, I don't know.

17 In this case, sorry, yeah, I  
18 mixed up these two paragraphs.

19 But, again, I don't know, he  
20 might have worked for IIRO, I have no  
21 idea.

22 Q. Well, this article says some  
23 other guy completely who is the son of  
24 some other guy completely worked for IIRO.

25 So now you're saying maybe the

1 KOHLMANN

2 hijackers did, maybe they didn't, oops?

3 A. Well, I'm saying I don't  
4 know --

5 MR. HAEFELE: Objection,  
6 argumentative.

7 I am going to ask you to watch  
8 your tone just a little bit.

9 MR. LEWIS: Sorry, late in the  
10 day, I apologize.

11 MR. HAEFELE: Thank you.

12 A. I would just repeat again what  
13 I just said; I just combined two  
14 paragraphs together, right.

15 Obviously I was talking about  
16 Waleed al-Shehri.

17 There is also a note here about  
18 someone that was working for the IIRO and  
19 then basically disappeared.

20 So, again, I think the reality  
21 here is that I can't confirm whether or  
22 not Waleed al-Shehri was working at IIRO  
23 and I'd be glad to say so.

24 But obviously someone else  
25 here, looks like the son of -- this is

1 KOHLMANN

2 Fayez al-Shehri, this is the individual  
3 who went to join the IIRO and disappeared.

4 Q. He is not a 9/11 hijacker,  
5 correct?

6 A. Apparently not, that's a  
7 mistake.

8 Q. You have no basis for  
9 suggesting that Waleed al-Shehri had  
10 anything to do with IIRO, pure  
11 speculation?

12 A. I'd have to look into that,  
13 this was an error in my report, I'd have  
14 to remove this and then go through and  
15 figure out why.

16 Q. Let's take a look at paragraph  
17 74, "U.S. State Department cable produced  
18 as evidence in the present litigation  
19 alleging that some elements of the  
20 International Muslim Relief Organization  
21 have been exploited by terrorists and  
22 their financiers as a means of  
23 transferring assets providing  
24 organizational cover or otherwise  
25 supporting extremist operations."

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Case No. 03-MDL-1570 (GBD) (SN)

-----x.

IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

-----x

August 6, 2021  
9:04 a.m.

Continued Videotaped Deposition of  
EVAN KOHLMANN, taken by Defendants,  
pursuant to Notice, held via Zoom  
videoconference, before Todd DeSimone, a  
Registered Professional Reporter and Notary  
Public of the State of New York.

1 KOHLMANN

2 A. I think my mother is behind me  
3 somewhere, but that's it.

4 Q. I'm going to ask you some  
5 questions about paragraph 177 of your  
6 report, your affirmative report. Can you  
7 pull that up in front of you, please?

8 A. Yes, of course.

9 MR. HAEFELE: I'm sorry, Fred,  
10 177?

11 MR. GOETZ: Yes.

12 A. Yeah, got it right here.

13 Q. And the second line, it  
14 indicates "In late 2002, an Internet  
15 website affiliated with the Ansar al-Islam  
16 terrorist organization in northern Iraq  
17 released a photo showing Ali Bapir - a  
18 detained Ansar al-Islam commander - at a  
19 public event sponsored by WAMY and  
20 featuring banners emblazoned with the WAMY  
21 logo," and you cite to a web address that  
22 links to a JPEG, which is a photograph,  
23 correct?

24 A. Correct, yes.

25 Q. Do you have any more

1 KOHLMANN

2 information about that event other than  
3 this photograph?

4 A. It is possible, yeah. I think  
5 I may -- I actually may have more  
6 information if you want. I think I have --  
7 I mean, I think I have the website saved.  
8 I think I have more information. I would  
9 have to check. Again, it is close to 20  
10 years ago. I might not be able to find it,  
11 but most of that stuff I usually save, so  
12 it is probably around someplace.

13 Q. Mr. Kohlmann, this is the only  
14 opportunity I have to ask you questions  
15 about your opinions in this case, so I have  
16 to get my questions in now. We don't have  
17 an opportunity to depose you again.

18 A. I don't have -- I don't have  
19 it --

20 Q. Mr. Kohlmann, let me finish my  
21 question.

22 As you sit here today, other  
23 than this photograph, do you have any other  
24 information that you can recall about this  
25 event?

1 KOHLMANN

2 A. I believe that there is a  
3 website page that describes the event, and  
4 I have other information about Ali Bapir.

5 Q. As to the event, do you recall  
6 as you sit here today any of the other  
7 information in that description?

8 A. Again, I will repeat exactly  
9 what I just said, I believe I also have a  
10 web page describing the event.

11 Q. Yeah. I'm asking you about  
12 that web page. Do you remember anything  
13 about it?

14 A. I believe it had some details  
15 of the event and it mentions Ali Bapir,  
16 but, again, I'm speaking about something  
17 that is 20 years ago. I can't -- at this  
18 point I'm going to be -- I'm just going to  
19 be volunteering guesses. I really -- I  
20 don't know it that well.

21 Q. Well, we don't want you to  
22 guess, Mr. Kohlmann, but we do want you to  
23 provide as clear testimony as you can about  
24 the opinions you are rendering in this  
25 case. So if you don't remember anything



1 KOHLMANN

2 more about the event other than there was  
3 some description, that's fine, and I'm  
4 going to ask you one more time, can you  
5 remember anything else about how that event  
6 was described other than what you have  
7 already told me?

8 A. I repeated myself three times.  
9 That's all I can do. I just told you. No.

10 Q. That's good enough.

11 So this, you came across this  
12 sometime in 2002 you said?

13 A. I believe late -- no, sorry, in  
14 late -- sorry, I came across this in 2004.  
15 Sorry, the 2002 date, I don't think that's  
16 -- yeah, maybe that is right. Yeah, I came  
17 across this in 2004 or -- 2004, 2004, yeah.  
18 I dug this up about, I want to say about  
19 two years -- two and a half years after it  
20 happened.

21 Q. Okay. But the event you are  
22 referencing, according to your report, was  
23 in late 2002, right?

24 A. I believe so, yeah.

25 Q. Ansar al-Islam was not

1 KOHLMANN

2 designated until 2003; isn't that right?

3 A. It was designated by the U.S.  
4 government in 2003, but it had existed long  
5 prior to that.

6 Q. I'm asking you about  
7 designation, not existence.

8 And as you describe it, this  
9 was a public event, that's the word you  
10 used, correct?

11 A. Well, public to the extent that  
12 it was out in public, it wasn't like in a  
13 room. But I, you know, that's what I meant  
14 by the word "public." I don't mean it was  
15 invited to everybody or it was open to  
16 everybody. It was simply outdoors.

17 Q. And whether or not it was open  
18 to everybody, I guess you have no way of  
19 knowing, right?

20 A. Well, that's why I'm saying, I  
21 just want to be careful about the word  
22 "public" here. The meaning of the word  
23 "public" here meaning it is outdoors and  
24 there were a bunch of people. I don't know  
25 if it was open to anyone, I don't know if

1 KOHLMANN

2 know what bias the person interpreting this  
3 information may have had. Would you agree  
4 with that?

5 MR. HAEFELE: Objection to  
6 form.

7 A. Yeah, I would agree with that,  
8 just with a caveat that, once again, it is  
9 exactly as you said, it just depends on the  
10 source, right? So some tertiary sources  
11 are more reliable than others because of  
12 the fact that the sourcing or where they  
13 came from, there is a little bit more  
14 guarantee of some level of review, right?

15 But I think you are right, I  
16 think, generally speaking, tertiary  
17 sources, you know, you have to -- you have  
18 to carefully watch them and you have to  
19 make sure that what's in the tertiary  
20 source appears to be, you know, appears to  
21 be reliable and, again, appears to be  
22 reflected in other sources, comparative  
23 analysis.

24 Q. And as you told us yesterday,  
25 and I'm paraphrasing, with tertiary sources

1 KOHLMANN

2 is about BIF.

3 Q. All right, thank you. Getting  
4 back to paragraph 173, you talk about  
5 WAMY's USA office incorporated by Osama Bin  
6 Laden's nephew, Abdullah, in 1992. Have  
7 you ever attempted to speak with Abdullah  
8 Bin Laden?

9 A. I have not been able to speak  
10 with him. You know, any attempts to get  
11 these guys' attention to speak with me have  
12 usually not succeeded. The only way that I  
13 managed to get Batterjee's was by e-mailing  
14 him from the e-mail address of somebody  
15 else.

16 Q. Okay. Do you claim that  
17 Abdullah Bin Laden was a member of  
18 Al-Qaida?

19 A. No.

20 Q. Do you claim that Abdullah Bin  
21 Laden ever gave any aid or material support  
22 to Al-Qaida?

23 A. I don't know. I can't answer  
24 that question.

25 Q. So, in other words --

1 KOHLMANN

2 A. The -- sorry, I didn't mean to  
3 interrupt.

4 Q. As you sit here today, you have  
5 no affirmative evidence that he ever did,  
6 can we agree with that?

7 MR. HAEFELE: Objection to  
8 form.

9 A. I can't -- I can't answer that  
10 question. I would have -- I would have  
11 to -- I would have to look. I'm not sure  
12 off the top of my head.

13 Q. All right. Osama Bin Laden's  
14 father was Mohammed Bin Laden?

15 A. Correct.

16 Q. And he officially fathered 54  
17 children from 22 wives. Were you aware of  
18 that?

19 A. Yes.

20 Q. He had at least 25 sons,  
21 correct?

22 A. Yeah, approximately, yeah.

23 Q. Osama was his 17th son, right?

24 A. I believe so.

25 Q. Fair to say it was a big

1 KOHLMANN

2 family?

3 A. Yeah, it's a big family.

4 Q. How many nieces and nephews  
5 does Osama Bin Laden have?

6 A. I don't know offhand the total  
7 number, but it is a significant number.

8 Q. You are not claiming that  
9 someone with the name Bin Laden necessarily  
10 has a link to any international terrorist  
11 organization just because they share the  
12 same last name as Osama Bin Laden, are you?

13 A. No, no, no. But there is  
14 substantial evidence that Bin Laden has  
15 received money from members of his own  
16 family, so it's -- I, you know, I think  
17 that saying just because someone is named  
18 Bin Laden doesn't make them evil, but there  
19 is also substantial evidence that Osama has  
20 received money from members of his own  
21 family. So I think it, you know, kind of  
22 goes both ways.

23 Q. Specific family members, but  
24 just the family name does not designate  
25 that individual as a terrorist, would you

1 KOHLMANN

2 agree, just because you are a Bin Laden,  
3 you are not a terrorist?

4 A. Yeah, I think that's probably a  
5 fair statement.

6 Q. Let's go to paragraph 175 of  
7 your report, page 53. Tell me when you're  
8 there.

9 A. I'm here. You said 175, right?

10 Q. Yes, please.

11 A. Yes, I'm looking at it right  
12 now.

13 Q. In the first sentence you say  
14 "In November 2001, the Indian government  
15 shuttered WAMY's offices in that country  
16 for allegedly financing banned terrorist  
17 groups, including Lashkar-e-Taiba and  
18 Jaish-e-Mohammed." And you cite at  
19 footnote 264 a document, FED-PEC  
20 234023-234024, and that is an article from  
21 the India -- or The Times of India,  
22 correct?

23 A. I believe so, yeah.

24 MR. GOETZ: Could we get from  
25 our exhibits for today Exhibit 1 up,

1 KOHLMANN

2 please. So this would be 1028, I believe.

3 (Exhibit 1028 marked for  
4 identification.)

5 Q. Is this the document that you  
6 were referring to for that proposition?

7 A. I believe so.

8 Q. This article, would you agree,  
9 This Times of India article, is a tertiary  
10 source?

11 A. Yeah, sure, it is a tertiary  
12 source.

13 Q. The reporter, or the by line is  
14 a Shaik Ahmed Ali, and he cites unnamed  
15 sources for the information in his article,  
16 correct?

17 A. Yeah, yeah, I believe he does.

18 Q. So you don't know where the  
19 information came from other than these  
20 unnamed sources, these unnamed officials,  
21 correct?

22 A. That's correct. I mean, that's  
23 why I footnoted it clearly to the source.

24 Q. Well, my question is you don't  
25 know where his information came from, you



1 KOHLMANN

2 don't know who gave him the information,  
3 right?

4 A. No, no. But, I mean, to be  
5 fair, to be fair, like I don't trust  
6 newspapers when they source -- when they  
7 cite sources within Al-Qaida, but when an  
8 Indian newspaper cites sources within the  
9 Indian government or Indian police, that's  
10 significant enough to mention, at least in  
11 my analysis, that's significant enough to  
12 mention. The same reason why if a  
13 newspaper reports that, you know, an event  
14 happened on this day, you know, a local  
15 event, it is probably accurate. But I  
16 agree, it is a tertiary source.

17 Q. Mr. Kohlmann, just so we can  
18 use our time efficiently, please listen to  
19 my questions carefully. The only question  
20 I asked is you don't know who the  
21 individuals were who gave him the  
22 information, correct?

23 A. Correct.

24 Q. And the answer to that question  
25 would be yes, right?

1 KOHLMANN

2 MR. HAEFELE: Objection to  
3 form.

4 A. Correct.

5 Q. Do you know the methods that  
6 this reporter, Mr. Ali, used to collect his  
7 information?

8 A. No, I don't.

9 Q. Do you know if he has any  
10 particular bias, anti-Muslim bias?

11 A. Well, it is an Indian  
12 newspaper, so my immediate assumption is  
13 that there is going to be probably some  
14 level of anti-Muslim bias, yes.

15 Q. And what about the level of  
16 anti-Muslim bias that Mr. Ali has, do you  
17 know one way or the other?

18 A. No, but I just assume with  
19 Indian sources in general that there is  
20 going to be some level of anti-Pakistani,  
21 anti-Muslim bias. I mean, that's just to  
22 be expected I think.

23 Q. So I'm looking at, if we can go  
24 to the last paragraph or the last page of  
25 this article, and, why is that, there is a

1 KOHLMANN

2 section that is blocked out. Yeah, that  
3 was --

4 MR. GOETZ: Can we go off the  
5 record for a second.

6 THE VIDEOGRAPHER: The time is  
7 10:12. We are going off the record.

8 (Discussion off the record.)

9 THE VIDEOGRAPHER: The time is  
10 approximately 10:15. We are back on the  
11 record.

12 BY MR. GOETZ:

13 Q. So, Mr. Kohlmann, the second  
14 paragraph on that page indicates "WAMY is  
15 reportedly funding" -- or "WAMY is  
16 reportedly providing funds for several  
17 organizations including Laskhar-e-Toiba and  
18 Jaish-e-Mohammed besides the Students  
19 Islamic Movement of India (SIMI), all  
20 banned by the Centre."

21 There is no attribution of who  
22 provided that report, at least in this  
23 paragraph, correct?

24 A. Yeah, aside from saying police  
25 officials, that's correct.

1 KOHLMANN

2 Q. And "Police officials," in the  
3 next paragraph, "say that WAMY has presence  
4 in Delhi, Mumbai," I'm not even going to  
5 try to pronounce the next city, "Lucknow,  
6 Aligarh, besides Hyderabad." And then it  
7 said "It had its offices in Mumbai and  
8 Delhi which were closed soon after the  
9 Centre imposed a ban on SIMI."

10 Did I read that correctly?

11 A. As best as I could, because I  
12 can't pronounce Thirvuanathapuram either.

13 Q. All right. So it doesn't state  
14 in here, in this article, the point that  
15 you cite it for, "The Indian government  
16 shuttered WAMY's offices in that country  
17 for allegedly financing banned terrorist  
18 groups including Laskhar-e-Toiba and  
19 Jaish-e-Mohammed."

20 As I read the article, it says  
21 that two offices were closed soon after the  
22 Centre imposed a ban on SIMI. Would you  
23 agree that there is somewhat of a  
24 disconnect between your report and the  
25 article?

1 KOHLMANN

2 MR. HAEFELE: Objection to  
3 form.

4 A. No, I disagree with that.

5 Q. All right. Well, certainly  
6 would you agree that your report seems to  
7 indicate that -- well, there is no  
8 distinction in your report as to whether  
9 any WAMY offices were left open after that,  
10 and there is no clarification in your  
11 report as that the offices in Mumbai and  
12 Delhi were closed soon after the Centre  
13 imposed a ban on SIMI, that part of the  
14 article did not carry over to your report,  
15 did it?

16 MR. HAEFELE: Objection to  
17 form.

18 A. The last part I don't know  
19 about. The first part I think -- I think  
20 it is correct, I didn't say whether or not  
21 other WAMY offices had not been closed,  
22 although I don't know that that's relevant  
23 to the point I was making. But it is true,  
24 I didn't say that there were other offices  
25 that might have stayed open, sure.

1 KOHLMANN

2 end of this month.

3 Did you ever get a copy of that  
4 report if it was ever issued?

5 A. I don't know that I was ever  
6 able to get a copy of that report, no.

7 Q. Was there a report even issued;  
8 do you know?

9 A. I wasn't able to get a copy of  
10 any such report, so honestly I can't say  
11 whether it was or it wasn't.

12 Q. Are you aware that a former  
13 WAMY official has testified under oath in  
14 this case that WAMY never had an office in  
15 India?

16 A. I am not familiar with that,  
17 no.

18 Q. So in preparing your report in  
19 this case, you make this factual claim.  
20 Did you ever reach out to the plaintiffs'  
21 counsel and say well, I'm making this  
22 claim, are there any other evidence or  
23 information that was learned during  
24 discovery that I could use to compare and  
25 contrast this article to?

1 KOHLMANN

2 A. Well, just because of the fact  
3 that someone denies something, that doesn't  
4 mean it's not true. WAMY has denied lots  
5 of things over the years. I just don't  
6 have any faith in the affirmations made by  
7 WAMY officials. They have made  
8 affirmations about lots of things that have  
9 turned out not to be true.

10 So I think my, you know,  
11 comparative analysis is based on evaluating  
12 sources that are reliable. Taking the word  
13 of WAMY saying that something didn't, I  
14 can't, I'm sorry, you know, I -- I didn't  
15 note in here that WAMY said it didn't  
16 happen, but I don't know that that's  
17 relevant to my analysis because I don't  
18 trust WAMY. I don't trust anything that  
19 WAMY says.

20 Q. Mr. Kohlmann, that wasn't my  
21 question. My question was simply, and I'm  
22 going to ask it again, so please listen  
23 carefully, did you ever ask plaintiffs'  
24 lawyers if there was any information about  
25 WAMY's offices in India that was

1 KOHLMANN

2 inconsistent with your information in this  
3 Times of India report?

4 MR. HAEFELE: I object to the  
5 form and asked and answered.

6 A. Yeah, I --

7 Q. Do you even make the inquiry?

8 A. I think I can answer this again  
9 which is that I was provided with certain  
10 materials. I looked up anything I could  
11 not find. Some materials were unavailable  
12 to me. And as far as WAMY, I don't trust  
13 what their officials say, I can't take  
14 those affirmations because they have made  
15 those affirmations before and --

16 MR. MOHAMMEDI: That is not  
17 responsive.

18 MR. HAEFELE: It actually is  
19 responsive.

20 Q. Just finish your answer,  
21 please.

22 A. Sure. Once again, as I said,  
23 unfortunately, the affirmations of WAMY  
24 officials don't carry that much weight when  
25 they are denying aspects of, you know,



1 KOHLMANN

2 A. Let me finish. I've got to  
3 finish here.

4 Q. No, you don't, because I'm  
5 asking about WAMY.

6 A. Excuse me, there was -- excuse  
7 me, excuse me, there was a WAMY individual  
8 cited in that case, quoted in that case,  
9 Suleman Ahmer, the operations manager for  
10 both BIF and also someone who was a WAMY  
11 official. If you are telling me he is not  
12 a WAMY official, I have video of him  
13 speaking on behalf of WAMY at a WAMY summer  
14 camp.

15 So, you know, again, I think  
16 you have to be careful here. I understand  
17 you are thinking about northern Virginia,  
18 but there are other WAMY personnel in the  
19 U.S., and some of those people have run  
20 afoul of the law. So I think, you know --

21 Q. Okay, we will come back to  
22 that.

23 A. Suleman Ahmer is a WAMY  
24 representative. He might have also been  
25 BIF, but he was a WAMY representative. He

1 KOHLMANN

2 spoke in the U.S. and he was raising money  
3 for jihad in Chechnya on behalf of WAMY.

4 Q. We will come back to Mr. Ahmer.

5 But just focusing back on 176,  
6 you are aware that Abdullah Bin Laden left  
7 the United States in 2000, are you aware of  
8 that?

9 A. Yeah, approximately then, yes.

10 Q. And he ended -- he was no  
11 longer the representative of WAMY in June  
12 of 2004. Were you aware of that?

13 A. I believe so, yes.

14 Q. So why did you feel it  
15 necessary when you wrote your report to  
16 characterize this as Abdullah Bin Laden's  
17 WAMY office in Virginia?

18 A. Because of the fact that a lot  
19 of people who are familiar with this office  
20 are familiar with it, the office that was  
21 run by Abdullah Bin Laden. The fact that  
22 he stepped down a year or two before this  
23 happened, you know, that's how it's known.  
24 I was referring to it so it was clear.

25 Q. You don't, well, you don't

1 KOHLMANN

2 think that you put Abdullah Bin Laden just  
3 to bring in the Bin Laden name in  
4 connection with WAMY's office, that's why  
5 you didn't do it?

6 MR. HAEFELE: Objection to  
7 form, argumentative.

8 A. Now you are assuming what my  
9 motivations are.

10 Q. Well, all right, strike that.

11 But suffice to say you don't  
12 dispute that WAMY's office in Virginia at  
13 that time was headed by an entirely  
14 different individual in June of 2004, you  
15 don't dispute that, do you?

16 A. No, I think it was a different  
17 individual, that's correct.

18 Q. And you know WAMY or WAMY USA  
19 had never been designated as an SDGT or  
20 FTO, correct?

21 A. They have never been designated  
22 by the Treasury Department, that's correct,  
23 yes.

24 Q. Or the State Department?

25 A. Or the State Department, that's

1 KOHLMANN

2 correct, sorry, yes.

3 Q. No sanctions have ever been  
4 imposed on WAMY or WAMY USA by any U.S.  
5 government agency, correct?

6 A. That I can't answer. I don't  
7 know the -- you are asking any U.S.  
8 government agency has ever taken action  
9 against WAMY? I have never worked for the  
10 U.S. government. There is plenty of  
11 agencies in the U.S. government that don't  
12 share information with me. I cannot answer  
13 that question authoritatively.

14 Q. Are you aware that the office  
15 of WAMY USA remains registered up to the  
16 present date, 2021?

17 A. I am, yeah, I am.

18 Q. Let's look at paragraph 183 of  
19 your report. This is the Sheikh Saleh  
20 al-Buraik paragraph. Do you have that in  
21 front of you?

22 A. I do, yes.

23 Q. In your report you indicate  
24 that Sheikh Saleh al-Buraik, a WAMY  
25 employee who has provided anti-American

1 KOHLMANN

2 lectures at WAMY's summer youth camps, and  
3 then it is footnote 276, and you cite two  
4 documents. So I want to ask you some  
5 questions about that portion of that  
6 paragraph.

7 When were those -- these  
8 lectures at WAMY's summer youth camps, when  
9 were they given?

10 A. I don't know the date offhand.  
11 I'm sorry, I don't recall.

12 Q. Where were they given?

13 A. I believe in Saudi Arabia,  
14 because that's the same place that  
15 al-Buraik did with the IIRO summer camps  
16 and got in a lot of trouble over it.

17 Q. And what, when you claim that  
18 al-Buraik was a WAMY employee, what was his  
19 position? What did he do for WAMY?

20 A. Well, he is a member of the  
21 Union of Good, but I have to take a look at  
22 what else -- what other role he played. He  
23 played a role in both WAMY and IIRO. He  
24 lectured at both WAMY and IIRO summer  
25 camps, but I would have to dig out exactly

1 KOHLMANN

2 what other his role was in WAMY.

3 Q. Well, again, this is my only  
4 chance to ask you questions, Mr. Kohlmann,  
5 about your report, and your report  
6 indicates he is a WAMY employee. And, you  
7 know, where did he work, what did he do? I  
8 mean --

9 A. Well, he -- he was a lecturer  
10 at WAMY summer camps, but for what else he  
11 did, I'm sorry, I can't answer off the top  
12 of my head. I'm going to have to dig that  
13 up. He spoke to both, and, again, it's  
14 fair to note that he spoke at both summer  
15 camps for International Islamic Relief  
16 Organization as well as WAMY, but my  
17 understanding is that he is a WAMY employee  
18 and he did speak at WAMY summer camps. If  
19 you want more detail though, I'm sorry, I  
20 can't answer that here, I would have to --  
21 I would have to look more to the source,  
22 I'm sorry.

23 Q. So as you sit here today, other  
24 than speaking at WAMY camps, you can't tell  
25 me anything Sheikh Saleh al-Buraik did for

1 KOHLMANN

2 WAMY; is that right?

3 A. I believe he also performed  
4 other functions for the organization, but  
5 it's the lectures, it's the speaking  
6 lectures and whatnot that come to mind.  
7 I'm going to have to see what else he did.  
8 I honestly can't answer that question  
9 offhand. I don't remember.

10 Q. Right, I get that. But I guess  
11 when you say belief, you know, I just need  
12 facts. So just listen to my question.  
13 Anything other than your belief, can you  
14 give me any more details where, what,  
15 anything like that, in terms of what he did  
16 when you claim he is a WAMY employee?

17 MR. HAEFELE: Objection to  
18 form.

19 A. My report is 60 pages long. I  
20 have 300 footnotes. I honestly -- I'm  
21 sorry, I can try to look it up and I can  
22 try to deliver that to plaintiffs' counsel,  
23 but off the top of my head, I don't recall.  
24 What I recall is his work with WAMY summer  
25 camps, right, as a lecturer at WAMY summer

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2 camps. But what other roles he played at  
3 WAMY, I could answer that question, but I  
4 can't answer that question right now  
5 because I don't know off the top of my  
6 head.

7 Q. All right, so whether or not,  
8 fair to say as you sit here today, you  
9 cannot answer the question if he did  
10 anything else at WAMY, for WAMY, other than  
11 lecture at summer camps?

12 MR. HAEFELE: Objection to  
13 form.

14 A. My understanding is he did, but  
15 in order to tell you exactly what other  
16 roles he played I'm going to have to look  
17 it up. I can't, I'm sorry, I can't  
18 remember.

19 Q. All right, so let's look at the  
20 sources that you cite. In footnote 276,  
21 the first is I think FED-PEC 234957-234961  
22 is an article in which the author is the  
23 Foundation for Defense of Democracies.  
24 Could we pull up today's Exhibit 9, please.

25 (Exhibit 1034 marked for



1 KOHLMANN

2 purposes of citing this stuff in creating  
3 footnotes.

4 Q. All right, and maybe I didn't  
5 ask the question clearly.

6 But there is nothing in your  
7 report that indicates, I will use the  
8 acronym FDD, has been identified as part of  
9 the Israel lobby in the United States,  
10 that's not in your report, is it?

11 A. Well, no, but I'm not citing  
12 them for the truth about whether the  
13 Israeli/Palestinian conflict is, you know,  
14 is the responsibility of Israel or Muslims.  
15 Here I believe is a specific quote from  
16 al-Buraik and I don't think that that's a  
17 secret because of the fact that al-Buraik,  
18 I mean, the head of IIRO had to apologize  
19 after al-Buraik gave a speech to a summer  
20 camp in Saudi and said crazy things.

21 So it is not, I mean, it's not  
22 like al-Buraik has a long history of being  
23 a moderate and a peaceful guy and then all  
24 of a sudden Foundation for Defense of  
25 Democracies said that he said something,

1 KOHLMANN

2 you know, radical. Even the -- even the  
3 defendants here in some cases have had  
4 problems with al-Buraik saying things at  
5 these summer camps that went beyond the  
6 pale.

7 So, again, I, you know, I take  
8 your point, Foundation for Defense of  
9 Democracies, certainly they have bias and  
10 it is certainly a relevant consideration,  
11 but as far as I understand it, they are  
12 literally just quoting al-Buraik here. I  
13 can't read this very well, but I believe,  
14 you know, again, I have 300 sources, so I  
15 can't remember every single one offhand,  
16 but I believe this is literally just  
17 examples of things that he has said that  
18 are radical.

19 MR. GOETZ: So move to strike,  
20 nonresponsive, everything after "No."

21 Q. Mr. Kohlmann --

22 MR. HAEFELE: Objection.

23 Q. Are you aware that Christopher  
24 Bail, a professor at Duke University, has  
25 described FDD as part of -- well, as an

1 KOHLMANN

2 anti-Muslim fringe organization?

3 A. I am not familiar with that  
4 description. However, I know people who  
5 work at FDD, and while I don't necessarily  
6 always agree with them on every political  
7 issue in the world, the idea that they are  
8 an anti-Muslim hate organization is a bit  
9 of a stretch.

10 Q. Well, it has been described as  
11 one of the key organizations peddling  
12 Islamophobia in the trans-Atlantic network.  
13 Are you aware of that?

14 A. Again, I don't know who wrote  
15 this, because you didn't give a source for  
16 that, but I know people at FDD. I know  
17 people at FDD who at one time at least were  
18 Muslims. I don't believe that that's  
19 accurate.

20 Again, if you are asking do I  
21 agree with their political stances, I don't  
22 agree with their political stances for the  
23 most part. But in terms of it being an  
24 anti-Muslim hate group, I think that's  
25 overstating the case by a lot.

1 KOHLMANN

2 In any event, there is no  
3 reason to believe that the statements that  
4 they produced here are false. There is  
5 just no reason to believe that they are  
6 false. They are literal quotes. And there  
7 is no reason to believe that Saleh  
8 al-Buraik is a moderate and that these  
9 quotes don't apply to him. I mean, again,  
10 this is -- I understand that you don't like  
11 FDD, but what does that have to do with  
12 what Saleh al-Buraik said?

13 MR. GOETZ: Move to strike  
14 everything after "There is no reason,"  
15 nonresponsive.

16 Q. Mr. Kohlmann --

17 MR. HAEFELE: Objection.

18 Q. -- the article talks about more  
19 than quoting al-Buraik. And I know it is  
20 hard to read, maybe if you can pull it up  
21 on your Exhibit Share --

22 A. I'm sorry, which exhibit number  
23 is it again?

24 Q. This is 1034.

25 A. I don't have -- I don't have

1 KOHLMANN

2 anything after 1023.

3 Q. You have to refresh.

4 A. Yeah, I did that, several  
5 times.

6 THE CONCIERGE: Mr. Kohlmann,  
7 make sure you are in today's folder.

8 THE WITNESS: Wait a second.  
9 There is another folder. Here you go.  
10 Okay, now I have it in front of me, okay.  
11 Let me take a look real fast. Yeah, sure,  
12 so, you know.

13 Q. So isn't it true that the  
14 article from the FDD claims that WAMY  
15 employs Sheikh Saleh al-Buraik?

16 A. That's correct.

17 Q. So, I mean, that's -- that's an  
18 assertion of fact, that's not a quote,  
19 right, that's the claim in this article  
20 that WAMY employs Sheikh Saleh al-Buraik?

21 A. They do claim that, yes. I  
22 mean, I think -- I think -- I actually  
23 think that may be an incorrect assertion,  
24 but that's besides the point, they do claim  
25 that, yes.

1 KOHLMANN

2 Q. And in citing this article in  
3 support of that assertion of fact, and I  
4 understand you have got the citation, but  
5 you don't include anything in your report,  
6 you don't write in your report FDD is part  
7 of the Israel lobby or anything that  
8 identifies the bias of the source of that  
9 claim, that is not in your report, is it?

10 A. Well, if Mr. al-Buraik is  
11 employed by WAMY, it is a fact, and I'm not  
12 sure I understand what the bias is here. I  
13 think this is sort of splitting hairs,  
14 because al-Buraik definitely worked for  
15 WAMY. He definitely worked as a lecturer  
16 at their summer camps. As for any other  
17 roles that he played, I would have to dig  
18 into that a little deeper.

19 But, again, this seems to be a  
20 factual statement. You could say WAMY  
21 employed Sheikh Saleh al-Buraik at his --  
22 at their summer camps, which would be more  
23 specific and maybe even more accurate, but  
24 I don't -- I guess what I'm saying is I  
25 understand what you are saying about bias,

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2 but I don't understand how that applies to  
3 this particular fact.

4 This goes back to what I was  
5 saying before about newspaper articles,  
6 right? If a newspaper article says a fact  
7 that's not really in direct dispute, you  
8 know, I understand the tertiary source and  
9 I understand there is bias, but, you know,  
10 Mr. al-Buraik doesn't deny that he spoke at  
11 these summer camps. He doesn't deny that  
12 he worked as a lecturer for WAMY. So I  
13 don't --

14 Q. Well, I think --

15 A. I'm not -- I'm not, you know,  
16 I'm not -- I don't see -- I can't perceive  
17 what the issue is here or what the problem  
18 is. Again, if it was Front Page Magazine  
19 or the Foundation for the Defense of  
20 Democracies saying that there is secret  
21 evidence that WAMY was involved in, you  
22 know, funding this terrorist act and only  
23 we have it, I would say hold on a second,  
24 you know. But I don't think that's what  
25 this is, at least not in my mind.

1 KOHLMANN

2 Q. So, Mr. Kohlmann, is it your  
3 testimony that you understand that just  
4 because somebody comes to speak at a WAMY  
5 function that that fact that the person is  
6 giving a lecture or a talk in and of itself  
7 means the person is employed by WAMY?

8 A. Not necessarily. In this case,  
9 though, if you are speaking at WAMY summer  
10 camps and you are a lecturer there, I mean,  
11 it is a fair description to say you are an  
12 employee. He might have done other things  
13 too. I really, you know, I'm telling you  
14 what the bare minimum is here, right?

15 But I think this is sort of  
16 splitting hairs. WAMY employed Sheikh  
17 Saleh al-Buraik, or Sheikh Saleh al-Buraik  
18 speaks on behalf of WAMY at their summer  
19 camps. This to me seems like it is  
20 splitting hairs. I understand that you're  
21 suggesting he didn't do anything more than  
22 that. I'm not sure if that's the case.  
23 Even if he just did that, though, I'm not  
24 -- I don't know that that's unfair to him  
25 to describe, or WAMY, to describe him as a



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2 WAMY employee.

3 Q. Okay, you are entitled to your  
4 view.

5 Let's talk about  
6 frontpagemag.com. Do you know who David  
7 Horowitz is?

8 A. I mean, vaguely. I think I  
9 wrote an article for Front Page Mag way  
10 back in like 2003 or something, like, or  
11 2004.

12 Q. Oh, you did? You know the  
13 Southern Poverty Law Center, you know who  
14 they are, right?

15 A. I do.

16 Q. They are widely respected in  
17 terms of the work that they do?

18 A. Yeah, I would say they are  
19 respected, although there has been some  
20 controversy about them in recent years.

21 Q. They have called Horowitz, and  
22 said "Under his direction, the Freedom  
23 Center that he runs has launched a network  
24 of projects giving anti-Muslim voices and  
25 radical ideologies a platform to project

1 KOHLMANN

2 hate and misinformation. Funding these  
3 figures and ideas fits into Horowitz's  
4 multi-front information war against the  
5 political left which he claims has a  
6 stranglehold on mainstream culture. A  
7 fellow conservative has called him  
8 something of a Stalinist."

9 Were you aware of those  
10 criticisms of Horowitz and his Front Page  
11 Magazine?

12 A. When were those criticisms  
13 made?

14 Q. I cannot give you a date, but  
15 it is Southern Poverty Law Center.

16 A. So, like, you know, date is  
17 everything here. This is dated 2002 and I  
18 haven't written anything for Front Page  
19 Magazine in 15, 16 years, right?

20 One of the reasons I don't  
21 write anything more for Front Page Magazine  
22 is because of the fact that I don't  
23 necessarily agree with their political  
24 philosophy, right? I don't know the idea  
25 that they are a hate group is accurate, but

1 KOHLMANN

2 obviously I don't agree with their  
3 political philosophy, so I don't write for  
4 them anymore. But this is an article by  
5 the Foundation for Defense of Democracies,  
6 so the fact that it was published in Front  
7 Page Magazine in 2002, I think long before  
8 the Southern Poverty Law Center said  
9 anything about this magazine, and certainly  
10 this is not a reflection of the magazine  
11 itself, it is a reflection of something  
12 written by Foundation for Defense of  
13 Democracies.

14 In any event, if the argument  
15 is that I should have put a different  
16 source to say that Saleh al-Buraik was an  
17 employee at WAMY or that he spoke at WAMY  
18 summer camps, it is not a fact in dispute.  
19 It is not a fact in dispute. So, you know,  
20 or at least it's not, as far as I'm aware,  
21 it's not in dispute that he spoke at WAMY  
22 summer camps and that he spoke on behalf of  
23 WAMY.

24 So, you know, I sort of  
25 understand that you are suggesting that the

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2 source is not valid, but the fact -- the  
3 fact that it's in there is not really in  
4 dispute. So it sounds like we are  
5 splitting hairs over the definition of  
6 work, of employees or worked, and I, you  
7 know, I'm willing -- I'm willing -- I'm  
8 willing to concede that there is -- you can  
9 describe what he did in different ways,  
10 but, you know, I don't -- once again, it  
11 seems -- these seem to be ancillary points  
12 that are not relating to whether or not  
13 this is a credible fact about him.

14 Q. Well, if you include it in your  
15 report, it is something that is important  
16 to me, all right?

17 A. Fair enough. Fair enough.

18 Q. So you can call it ancillary,  
19 whatever you want, but we are going to talk  
20 about it. And everything in your report is  
21 important. Do you have a problem with  
22 that?

23 A. No, no, no, fair enough.

24 Q. So the other source that you  
25 cite for that proposition, and, again, just

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2 to reorient us, this is the first sentence  
3 of paragraph 183 of your report about  
4 Sheikh al-Buraik, is FED-PEC 210330-210331.  
5 Could we have Exhibit, today's Exhibit 10  
6 up, please.

7 (Exhibit 1035 marked for  
8 identification.)

9 Q. And this is Exhibit 1035. Do  
10 you recognize this document?

11 A. Yeah, I do.

12 Q. Okay. And this is a diplomatic  
13 cable, I guess I would describe it, about  
14 an interview that a political officer at  
15 the embassy in Riyadh had with Saleh  
16 Al-Waheibi in 2006; is that right?

17 A. Yeah, I believe so.

18 Q. And the lecture, down at the  
19 bottom, if you could just blow up the  
20 highlighted portion, the lecture Sheikh  
21 al-Buraik was talking -- or that was  
22 discussed between the political officer and  
23 Dr. Wohaibi was given in 2006; is that  
24 right?

25 A. I believe so, yes. Yeah, I'm

1 KOHLMANN

2 sorry, I'm familiar with this. I wasn't  
3 sure if you were waiting for me to read it.  
4 I have read it, yeah.

5 Q. No, no, that's all right.

6 There is nothing in this cable  
7 that says anything by -- or quotes  
8 Dr. Waheibi, anything about Sheikh  
9 al-Buraik being employed by WAMY, is there?

10 A. Other than he -- other than he  
11 was a lecturer at one of WAMY's youth  
12 camps. I mean, what are camp counselors  
13 usually described as? That's why I'm  
14 saying I think this is sort of splitting  
15 hairs over the definition. But, again, I  
16 would rather just take the opportunity and  
17 make sure that there isn't something  
18 obvious that would kind of resolve this.  
19 But I think, at a minimum, clearly he was  
20 working at a summer camp.

21 Q. Mr. Kohlmann --

22 A. I don't -- I think this is,  
23 again, going to just get into a debate  
24 between you and me about the meaning of the  
25 word "employee" and "work." I think we may

1 KOHLMANN

2 as well just leave it at, you know, he  
3 worked at the summer camp.

4 Q. Mr. Kohlmann, I understand  
5 that's how you are trying to characterize  
6 it. I'm just trying to understand -- just  
7 let me finish -- I'm trying to understand  
8 the claims that you make and the sources  
9 that you cite in support of that claim,  
10 okay?

11 And this source, the one we  
12 have up here, Exhibit 1035, talks about --  
13 it doesn't talk about Sheikh al-Buraik  
14 being a counselor at the camp, it doesn't  
15 talk about Sheikh al-Buraik being an  
16 employee at the camp, it talks about Sheikh  
17 Buraik giving a lecture at one of the WAMY  
18 camps, correct?

19 A. You have characterized that in  
20 a particular way. I have agreed with you  
21 that's what it says. But I have said to  
22 you that it is my belief that that is  
23 fairly described as someone who is an  
24 employee or working there. I don't -- I  
25 can't answer this again and again any

1 KOHLMANN

2 differently. You are going to get the same  
3 answer from me again and again.

4 Q. All right. So this is 2006.  
5 Getting back to your footnote 183, you have  
6 a lengthy quote from --

7 A. Sorry, you mean section 183?

8 Q. Yeah. What did I say?

9 A. Footnote.

10 Q. Yeah, thank you for the  
11 correction.

12 A. That's okay, that's okay, I'm  
13 just verifying, I'm sorry.

14 Q. We have to be on the same page  
15 and I appreciate you helping me with that.  
16 Paragraph 183.

17 A. Yes.

18 Q. So you talk about, in the  
19 first, you know, section before the comma,  
20 again, we talk about lecturer at a summer  
21 camp. We have looked at the cable about  
22 that, 2006. Then it goes on to have a  
23 lengthy quote from al-Buraik, but what you  
24 quote here was not from that lecture at  
25 that summer camp in 2006, was it?



1 KOHLMANN

2 that has given that kind of a ruling.

3 Again --

4 Q. I'm not --

5 A. I'm not familiar -- I'm not  
6 familiar with any lecture by al-Awlaki or  
7 anyone else endorsing that.

8 Q. So let's -- you talked about a  
9 Washington Post article. Could we have  
10 today's Exhibit 12, please.

11 (Exhibit 1037 marked for  
12 identification.)

13 Q. Are you familiar with the long  
14 piece in the New York Times from August 27,  
15 2015 about Anwar al-Awlaki?

16 A. I don't know if I have read  
17 this article. I know Scott Shane, but I  
18 don't know if I have read this article  
19 offhand. I can't remember.

20 Q. And this article, 2015, that  
21 would be approximately 13 years after he  
22 left, al-Awlaki left the U.S., right?

23 A. It is about '12 or '13  
24 approximately.

25 Q. Go to page 4. Immediately

1 KOHLMANN

2 after the 9/11 attacks, he personally,  
3 Awlaki, personally condemned the attacks;  
4 is that right?

5 A. He condemned the attacks in  
6 front of a certain audience, yes, but then  
7 he said something else to other people.  
8 So, once again, the fact that he denied it  
9 publicly is just a reflection of the fact  
10 that he was sophisticated enough not to  
11 tell this to the Washington Post. So I,  
12 yeah, the fact that he declared that to a  
13 western audience, you have to be very  
14 careful about taking that -- taking that at  
15 face value.

16 Q. I'm just asking it, publicly he  
17 condemned the attacks, and your answer  
18 is --

19 A. To a --

20 MR. HAEFELE: Objection to  
21 form.

22 A. To a western audience he did.  
23 To a western audience he did. However,  
24 there is evidence that in other circles he  
25 may have had a different message based on

1 KOHLMANN

2 his own comments about what he wrote in his  
3 blog and what he said in his lectures, like  
4 in Constants on the Path of Jihad, he seems  
5 to have been telling other people other  
6 messages at that time.

7 Q. And the article continues, down  
8 at the bottom, "He denounced the 9/11  
9 attacks but in the same breath would  
10 criticize America's record in the Middle  
11 East. Reporters were impressed. The New  
12 York Times wrote that Awlaki, just 30, was  
13 being held up as a new generation of Muslim  
14 leader capable of merging east and west."

15 Would you agree that's in  
16 accord with his -- how he was popular --  
17 popularly perceived at least in the U.S.  
18 media at the time?

19 A. I think he was popularly  
20 perceived in western media at the time this  
21 way, yeah, yeah. I don't know that  
22 everyone in the Muslim community thought  
23 the same thing. But I know that in western  
24 media this was a common reaction in like  
25 2001, early 2002, yes.

1 KOHLMANN

2 Q. And he was invited to speak,  
3 this is on page 5, he was invited to speak  
4 at the U.S. Capitol after the terrorist  
5 attacks of September 11?

6 A. I believe -- I believe so. I  
7 don't recall exactly, but that sounds about  
8 right. That sounds about right.

9 Q. And on page 7, he was, in  
10 February of 2002, he was invited to speak  
11 at the Pentagon. Were you aware of that?

12 A. I believe so. I believe I  
13 recall that. Obviously it says it here in  
14 the article, but I believe that that's  
15 true, yes.

16 Q. Do you, and you don't -- do you  
17 have any publicly disseminated writing by  
18 al-Awlaki in the United States prior to his  
19 departure in 2002 where he advocated  
20 support of Al-Qaida, supporting terrorism,  
21 supporting any act of violence against the  
22 United States?

23 MR. HAEFELE: Objection to  
24 form.

25 A. I'm going to have to dig into

1 KOHLMANN

2 record, the beginning of media three.

3 BY MR. GOETZ:

4 Q. Mr. Kohlmann, we are turning to  
5 a different topic. Looking at paragraphs  
6 187 to 189 of your report, you can just  
7 pull those sections of the report up and  
8 then I will ask you some questions about  
9 that.

10 A. Sure. I have it right here in  
11 front of me.

12 Q. Perfect. So paragraph 187, you  
13 indicate that Lajnat Al-Birr, you have that  
14 as, quote, "the precursor to BIF," and BIF  
15 in the English is Benevolence International  
16 Foundation. Do you know what it is in  
17 Arabic?

18 A. Benevolence International  
19 Foundation? Well, this is -- the way it  
20 says it here, it is the Islamic Benevolence  
21 Foundation, but they use those two names  
22 interchangeably. In English they called it  
23 Benevolence International. Frequently in  
24 Arabic they called it Lajnat al-Birr  
25 al-Islamiyya, LBI.

1 KOHLMANN

2 of translation; would you agree with that?

3 MR. HAEFELE: Objection to  
4 form.

5 A. That's misleading. If you are  
6 saying it's not the literal translation,  
7 no.

8 Q. That's what I'm saying.

9 A. It is a known alias. So I  
10 don't --

11 Q. I understand that's your  
12 theory, but I'm just asking you about  
13 literal translation.

14 So you agree with me that from  
15 a literal translation point of view, Lajnat  
16 al-Birr al-Islamiyya references LBI, not  
17 BIF, right?

18 MR. HAEFELE: Objection to  
19 form.

20 A. Again, you are confusing it.  
21 If you are saying -- the only thing I would  
22 agree with in what you just said is Lajnat  
23 al-Birr al-Islamiyya translated to English  
24 does not translate exactly into Benevolence  
25 International Foundation, it translates

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2 into the Islamic Benevolence Foundation, or  
3 the Islamic Benevolence Foundation, or  
4 Benevolence Islamic Foundation, depending  
5 on how you say it. But that's what I would  
6 -- based on what you said, what I would  
7 agree with is that the translation of  
8 Lajnat al-Birr al-Islamiyya is  
9 Benevolence -- is Islamic Benevolence  
10 Foundation, not Benevolence International  
11 Foundation, the literal translation.

12 Q. Okay. And you are making that  
13 translation as a non-Arabic speaker?

14 MR. HAEFELE: Objection to  
15 form.

16 A. Well, I know enough Arabic to  
17 say that.

18 Q. All right.

19 MR. GOETZ: Well, one thing for  
20 the record, just to clarify, we had been  
21 talking about a couple of exhibits and I  
22 don't know that I referenced them by  
23 exhibit number. I want to do that now.  
24 The al-Buraik eulogy that we referenced,  
25 that's 1036, and the New York Times article

1 KOHLMANN

2 org chart, corporate org chart, anything  
3 like that?

4 A. I didn't request it, but I  
5 don't -- I don't know necessarily that it  
6 would have been definitive to what I needed  
7 to do. I have -- I have reams of evidence  
8 showing how BIF has operated as a child of  
9 WAMY, so seeing a corporate structure to  
10 demonstrate that didn't seem to be directly  
11 relevant, but I wasn't offered it either.

12 Q. I'm asking you something very  
13 particular now. I'm just asking you about  
14 your part of the report where you are  
15 relying upon this article for saying, and I  
16 know you put it in quotes, but WAMY is the  
17 former chairman -- I'm sorry, Batterjee is  
18 the former chairman of WAMY.

19 And I guess my question is did  
20 you ever look to see, well, did WAMY ever  
21 have a position of chairman? Are there any  
22 WAMY documents that show that this position  
23 ever even existed?

24 A. I did not, because I assumed  
25 that when he said chairman, he was using it



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2 website.

3 Q. Okay. The part of I guess it  
4 is footnote 287, is this the document that  
5 you are citing at footnote 287 in your  
6 report, paragraph 189?

7 MR. HAEFELE: Objection to  
8 form.

9 A. It might be, but it is a  
10 different website, so I can't say for sure  
11 it is. You see the URL is different. You  
12 can see the URL at the bottom of what you  
13 are showing here is different. The  
14 information might be the same, but it is a  
15 different website, so I would have to  
16 review it at length to determine whether it  
17 really is the same.

18 Q. Fair enough. This is what we  
19 were identifying for the OFAC list with  
20 respect to Benevolence International  
21 Foundation. And that has, amongst  
22 addresses, but it also has an aliases  
23 section, correct?

24 A. Yes, it does.

25 Q. And the alias section does not

1 KOHLMANN

2 include Lajnat al-Birr al-Islamiyya, does  
3 it?

4 A. It does not include that  
5 particular alias, no.

6 Q. Okay. It doesn't include the  
7 World Assembly of Muslim Youth, does it?

8 A. Not in this document, no.

9 Q. And BIF was designated in, what  
10 year, 2003?

11 A. The case, the investigation of  
12 the case I believe was 2002. I don't  
13 remember exactly when it was designated,  
14 but I remember the investigation in Chicago  
15 was late 2001-2002.

16 Q. And WAMY USA has never been  
17 designated as we have talked about,  
18 correct?

19 A. I don't believe WAMY's offices  
20 have been individually designated, no. I'm  
21 not sure. Sorry, I should say WAMY as an  
22 organization hasn't. I can't recall if any  
23 individual WAMY offices have or have not.  
24 I can't remember offhand. It is possible  
25 they haven't, I just can't remember.

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2 It is hard to say because it is  
3 transliterated from something.

4 Q. And what about the first one,  
5 do you recognize that?

6 A. Are you referring to Al Bir Al  
7 Dawalia?

8 Q. Yes.

9 A. Yes, I'm familiar with that as  
10 another alias of BIF.

11 MR. GOETZ: So let's look at  
12 Exhibit, today's Exhibit 19, and this has  
13 been previously marked and entered as  
14 Exhibit 915.

15 Q. Do you recognize this document?

16 A. Not offhand, no. I would need  
17 to see a translation.

18 Q. All right. Can we scroll down,  
19 please. Take your time, review that, and,  
20 for the record, this is Exhibit 1042.

21 A. Yes, I have read this.

22 Q. All right. So do you have any  
23 reason to dispute the authenticity of this  
24 document, the Arabic?

25 A. Well, not the translation, just

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2 It doesn't say that. It just says there is  
3 two organizations with the same name.

4 So yeah, again, I draw  
5 attention to the timing of this letter and  
6 I note that this is exactly the time where  
7 BIF's accountant was caught by the Saudis,  
8 and WAMY would have had every motivation  
9 and incentive to try to put as much  
10 distance between itself as possible with  
11 BIF.

12 Q. Okay. So I need to unpack that  
13 answer a little bit. You were very helpful  
14 in providing a lot of information.

15 The BIF logo on the envelope,  
16 you are talking about the one referencing,  
17 or in respect to Ahmed Ajaj, right?

18 A. Correct, yes.

19 Q. We will talk about that. I  
20 didn't see any other documents cited in  
21 your report where you claim that they are  
22 BIF documents indicating BIF to be the  
23 child of WAMY.

24 A. I believe that the cover of  
25 the -- I have to double-check on this, but

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2 I believe that the cover of the Arab  
3 Partisans in Afghanistan book, I know it  
4 has the logo of BIF and I'm pretty sure  
5 underneath it it says a project of WAMY or  
6 a subsidiary of WAMY, but I can verify  
7 that.

8 Q. Okay.

9 A. It's in the book. You guys --  
10 you guys -- you guys have a copy of the  
11 book.

12 Q. I get that. I just want to  
13 make sure I understand what you are talking  
14 about, sir. And so as I understand --

15 A. And, sorry, sorry --

16 Q. Let me finish my question.  
17 Just so I understand it, you  
18 are saying, you call it Arab Partisans, it  
19 is also called the Arab Volunteers book by  
20 Basil Muhammad, that one?

21 A. Yeah, we refer to this, it is  
22 simpler to refer to it as the BIF book,  
23 because that's what we call it.

24 Q. I will call it the Basil  
25 Muhammad book if it is okay with you, but

1 KOHLMANN

2 we are talking about the same thing.

3 So we have got the envelope, we  
4 have got the Basil Muhammad book. Is there  
5 anything --

6 A. Third part, yes, there is a  
7 video called The Balkan War which was  
8 produced by BIF and at the very end I  
9 believe they show the BIF logo and, if I  
10 remember correctly, once again they say a  
11 subsidiary of WAMY. I have to double-check  
12 that though. But it is usually -- it is  
13 the -- it is the logo, it has usually the  
14 logo and the writing underneath in Arabic  
15 and it almost always says the same thing,  
16 so I have double-check to be sure, but The  
17 Balkan War.

18 Q. Okay. Anything else?

19 A. Other than a fundraising video,  
20 or other than a book that was published and  
21 other than an envelope? I mean, I don't  
22 know. Those are the -- those are the  
23 examples we have from that period of  
24 original content. So I would have to take  
25 a look and see whether or not I have any

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2 MR. GOETZ: First page, please.

3 Q. All right, so the first  
4 paragraph of this document, if you could  
5 just blow that up, would you agree,  
6 Mr. Kohlmann, that the purpose of this  
7 report, the CRA report, the CRA  
8 investigation, was to "determine whether  
9 the registration of the World Assembly of  
10 Muslim Youth (the 'Organization')," meaning  
11 referring to Canada, "should not be revoked  
12 in accordance with subsection 168(1) of the  
13 Income Tax Act."

14 That was the purpose of the  
15 CRA's report or the focus of the report,  
16 correct?

17 MR. HAEFELE: Objection to  
18 form.

19 A. I believe so, yes.

20 Q. This is not -- okay, well,  
21 that's fine.

22 And let's go to -- back to  
23 Exhibit 930, please. And while we are  
24 pulling that up, Mr. Kohlmann, did you ever  
25 provide any information to the CRA about

1 KOHLMANN

2 WAMY?

3 A. Not directly, but I don't know  
4 if any information that I produced might  
5 have -- might have been delivered to them.  
6 I don't know.

7 Q. Did you indirectly provide any  
8 information to the CRA that you're aware  
9 of?

10 A. Not that I'm aware of, no.

11 MR. GOETZ: And, Michael, if we  
12 could please go to 0134 -- I'm sorry,  
13 031434-01 -- I'm sorry, 031434, let's pick  
14 up at that page.

15 THE CONCIERGE: Did you say --

16 MR. GOETZ: I butchered the  
17 number. Let me do it again. 031434.

18 THE CONCIERGE: Okay.

19 MR. GOETZ: You know, strike  
20 that. It's in the other CRA folder. I  
21 apologize, that's my error. This would be  
22 document, today's document, Exhibit 29. I  
23 apologize for that.

24 Q. While we are waiting for that  
25 to come up, Mr. Kohlmann, can you turn to



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2 paragraphs 191 and 192 of your report.

3 A. Yes.

4 Q. All right. Now, while we are  
5 waiting for that document to come up, you  
6 are not a forensic accountant, correct?

7 A. Correct.

8 Q. Have you ever conducted a  
9 financial audit yourself?

10 A. Not like this, no.

11 Q. Have you ever analyzed the  
12 audits conducted by any other financial  
13 professionals to determine whether or not  
14 they did or did not comply with auditing  
15 standards or accounting standards?

16 A. I mean, I don't have any formal  
17 training in accounting, but if you are  
18 asking have I looked at accounting  
19 documents that have been recovered in  
20 investigations like this and, you know,  
21 helped examine them or even just studied  
22 them on the side? The answer is yes. If  
23 you are asking if I have formal training in  
24 accounting, the answer is no.

25 Q. No, I was asking if you have

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2 ever given an expert review and opined on a  
3 basis of international accounting  
4 standards, international audit standards,  
5 whether or not an audit did or did not meet  
6 those standards.

7 MR. HAEFELE: Objection to  
8 form.

9 A. No, no, no, I have never  
10 offered an opinion like that, no.

11 MR. GOETZ: How are we coming  
12 on 29? Yeah, 29, document 29.

13 THE CONCIERGE: So I don't have  
14 that one either, so if you want to go off  
15 the record and send it to me.

16 MR. GOETZ: No. I have been  
17 advised that it is in today's folder under  
18 document 29, marked 29.

19 THE CONCIERGE: Okay, I see it.

20 MR. HAEFELE: Let's make sure  
21 it gets uploaded to share file too.

22 MR. GOETZ: All right, thank  
23 you, Michael.

24 (Exhibit 1042 marked for  
25 identification.)

1 KOHLMANN

2 Q. If we can go to page 031440 of  
3 this audit. Now, you've reviewed this  
4 particular audit before, this portion of  
5 Exhibit -- which will now be 1042, correct,  
6 Mr. Kohlmann?

7 A. I'm sorry, I wasn't sure if you  
8 were asking me. Yes, the answer is yes. I  
9 believe so anyway, yes.

10 Q. And this is the audit that you  
11 reference at paragraphs 191 and 192 of your  
12 report, correct?

13 A. That's correct, yeah.

14 Q. And there is, in this audit,  
15 under Penalty and Sanctions Recommendation  
16 Report, the indication that "no  
17 sanctionable concerns." Do you see that?

18 A. I do.

19 Q. And you don't discuss that or  
20 include that in your affirmative report in  
21 this case, do you?

22 A. No, I didn't necessarily think  
23 it was relevant, so no, I didn't include  
24 it.

25 Q. Now, also on WAMY Canada, you

1 KOHLMANN

2 mention at paragraph 193 shared a common  
3 director, contact information, WAMY Canada  
4 and BIF Canada, but have you reviewed the  
5 declaration of Mohamed Khatib, the former  
6 director of WAMY Canada?

7 A. I have, yes.

8 Q. And for our record, we  
9 previously had that marked as 926.

10 Have you reviewed the  
11 declaration of Ibrahim Abdullah, the former  
12 head of WAMY USA? For the record, that is  
13 Exhibit 927. Have you reviewed that?

14 A. I believe so. I recall Mohamed  
15 Khatib, but I don't -- the other one, it is  
16 possible I did review it, just the name  
17 offhand, I'm not sure.

18 MR. HAEFELE: Fred, I just want  
19 to confirm, I'm not looking at it right now  
20 but I want to make sure that they are not  
21 among the late declarations that you served  
22 on us.

23 MR. GOETZ: No.

24 MR. HAEFELE: No, okay.

25 Q. And then did you also review

1 KOHLMANN

2 the letter from Ibrahim Abdullah to  
3 Dr. Babaer, Assistant Secretary General in  
4 WAMY, this has previously been marked as  
5 Exhibit 928, discussing Katib's resignation  
6 from the organization?

7 A. Yes, I did.

8 Q. So you are aware, then, just to  
9 summarize, that according to Mr. Katib and  
10 other people associated with WAMY, that he  
11 was representing multiple organizations at  
12 the same time in Canada, that WAMY had no  
13 knowledge that he was representing BIF  
14 Canada as well as WAMY, and that he set up  
15 this bank account for BIF Canada under a  
16 WAMY account because BIF didn't have  
17 charitable status, WAMY never knew about  
18 it, and I'm just asking, are you aware  
19 that, in sum, that's what Mr. Katib said in  
20 his declaration?

21 A. I am, yes.

22 Q. All right, let's look at  
23 paragraph 159 of your report.

24 A. I'm sorry, did you say 159?

25 Q. Yeah, paragraph 159 of your

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2 report, your affirmative report.

3 A. Okay, I have it up.

4 Q. In the second sentence you  
5 write "The DOD," meaning Department of  
6 Defense, "has privately accused WAMY of  
7 being 'affiliated' and 'associated' with  
8 Osama Bin Laden and Al-Qaida operations,  
9 'According to top WAMY officials, both the  
10 United States and Israel must be destroyed.  
11 WAMY provides financial support to the  
12 Palestinians fighting against Israel. In  
13 addition, WAMY has put forward a proposal  
14 that the Palestinians should declare open  
15 war on Israel.'"

16 And at footnote 230 you cite  
17 two detainee assessments, that of Mammur  
18 Ameer, assessment July 25, 2005, and Adel  
19 Hassan Hamad from June 28, 2005; is that  
20 correct?

21 A. I believe so, yes.

22 Q. So this quote that I just read,  
23 you know, "According to top WAMY  
24 officials," did you provide that  
25 information to DOD?

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2 A. I did not.

3 Q. Do you know if anybody at The  
4 Investigative Project supplied that  
5 information to DOD?

6 A. I would have no clue. I left  
7 The Investigative Project in like late  
8 2003. I have no idea. I could not answer  
9 that.

10 Q. So do you know where, when, you  
11 know, DOD representatives include that, do  
12 you know where that information comes from,  
13 "according to top WAMY officials"? What  
14 officials, who, when, where, do you have  
15 any information about that?

16 A. Well, typically it's not one  
17 source, typically DOD, they fuse together  
18 several different sources, and since they  
19 don't cite it here, I couldn't tell you.

20 Q. Okay.

21 MR. GOETZ: Could we pull up  
22 document, from today, 34, and this would be  
23 Exhibit 1043.

24 (Exhibit 1043 marked for  
25 identification.)

1 KOHLMANN

2 Q. And do you recognize this  
3 document to be the assessment of Mammur  
4 Ameer that you reference in footnote 230 of  
5 your report?

6 A. Yeah, it appears to be, it is  
7 dated the same.

8 MR. GOETZ: And let's also pull  
9 up document from today, number 35, and this  
10 would be marked as 1044.

11 (Exhibit 1044 marked for  
12 identification.)

13 Q. And it is the detainee  
14 assessment of Adel Hamad that you reference  
15 at footnote 230 of your report, correct?

16 A. Correct.

17 THE CONCIERGE: Do you want to  
18 make this one 42? I think we skipped 42.

19 MR. GOETZ: I thought we had a  
20 42.

21 THE CONCIERGE: Never mind. We  
22 will do 1044 and we can worry about it  
23 later.

24 MR. GOETZ: All right.

25 Q. Looking at Exhibit, the last



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2 one which we are going to reference as  
3 1044, on page 1, at line 8, it indicates  
4 "WAMY is a non-government organization  
5 operating in Afghanistan that may be  
6 affiliated with Osama Bin Laden and  
7 Al-Qaida operations."

8 Do you see that?

9 A. Yes.

10 Q. And looking back at what we  
11 have marked as 1043, if we could go back to  
12 that, please, on page 2, the detainee  
13 assessment regarding Ameer reads that,  
14 number 10, "The World Assembly of Muslim  
15 Youth is an NGO operating in Afghanistan  
16 and may be associated with Osama Bin Laden  
17 and/or Al-Qaida."

18 Do you see that?

19 A. Yes.

20 Q. So both of these assessments  
21 that you cite include the qualifying term  
22 "may," correct?

23 A. Yeah, sure.

24 Q. But your report does not carry  
25 that over, does it?

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2 A. I didn't see there was a  
3 meaningful difference. It sounds odd if  
4 you say -- if you add the word "may" in  
5 there, I don't think it really changes the  
6 meaning. The meaning of this is that the  
7 DOD is suggesting that they are associated  
8 or affiliated with Al-Qaida.

9 You know, I think "may" is  
10 just, you know, the truth is that's what  
11 they are accusing them of here. If it said  
12 I may be associated with Osama Bin Laden, I  
13 would say the DOD is accusing me of being  
14 associated or affiliated with Al-Qaida. I  
15 don't -- I understand what you are saying,  
16 but I don't think -- I think that's more of  
17 a grammatical issue and it wasn't meant to  
18 change the meaning and I don't think it  
19 changes the meaning in that sentence, at  
20 least my opinion is it doesn't change the  
21 meaning.

22 Q. You don't understand the word  
23 "may" to be a word that expresses a degree  
24 of uncertainty?

25 MR. HAEFELE: Objection to

1 KOHLMANN

2 form.

3 A. Well, I think when the DOD  
4 accuses them, when I say the DOD is  
5 accusing them of being affiliated or  
6 associated, affiliated or associated are,  
7 you know, somewhat loose in terminology,  
8 and I thought that covered that issue.

9 I don't think it changes the  
10 meaning. I think the fairer -- the  
11 fairer -- the fairer conclusion here is  
12 that the DOD is accusing WAMY of either  
13 being affiliated or associated with Bin  
14 Laden. They are accusing them. I don't  
15 know that -- they didn't put the evidence  
16 here, so it is not necessarily definitive,  
17 but I think that's what is being accused  
18 here, yeah. Certainly if this -- if this  
19 was said about me in a DOD document, my  
20 sense was I was being accused of being  
21 associated or affiliated with Osama Bin  
22 Laden, so that's how I took it.

23 Q. All right, let's look at  
24 document -- let's look at paragraph 195 of  
25 your report.

1 KOHLMANN

2 A. Okay, paragraph 195?

3 Q. Yup.

4 A. Yup, got it.

5 Q. And I think you talked about  
6 this earlier. You indicate "In 1993, World  
7 Trade Center bombing conspirator Ahmed Ajaj  
8 was arrested in New York. Authorities  
9 seized an envelope from him containing  
10 Arabic-language terrorist training manuals.  
11 The envelope was marked with the letterhead  
12 of BIF with a notation explaining that BIF  
13 is a branch of the 'World Assembly of  
14 Muslim Youth.'"

15 Did I read that paragraph  
16 correctly?

17 A. That's correct.

18 Q. And the authority for that, you  
19 cited the footnote 295, United States  
20 versus Osama Bin Laden, et al., Government  
21 Exhibit 2800-A; is that correct?

22 A. Yeah, that's the translation,  
23 but the -- yeah, the translation, but  
24 that's the translation of the original  
25 which I believe I also provided.

1 KOHLMANN

2 Q. And you've seen that exhibit  
3 yourself, right?

4 A. I have a copy of it, yeah,  
5 sure.

6 Q. And we asked your lawyers to  
7 provide us with a copy of that. Did they  
8 communicate that request to you?

9 A. Yes, they did.

10 Q. And you provided them your  
11 exhibit here cited in 295. Can we please  
12 have document 26, and can we go to the  
13 third page of that, please.

14 So this is what your lawyers  
15 provided to us. Is this what you provided  
16 to them as being the exhibit you cite in  
17 295 of your report, footnote 295?

18 A. I believe it is.

19 Q. All right. There is no exhibit  
20 sticker on this document, is there?

21 MR. HAEFELE: Objection to  
22 form.

23 A. I have the one -- I have the  
24 translation that has the exhibit. It  
25 describes this. This is the original. I

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2 don't know why you can't read this, but it  
3 is a copy of it, so presumably it just  
4 doesn't have a copy of the exhibit sticker.

5 Q. Well, I'm asking, to be clear,  
6 we asked your lawyers to provide us, or the  
7 lawyers that hired you, to provide us your  
8 source, what you have as Exhibit 2800-A  
9 cited at footnote 295, and the document  
10 that they provided us does not have an  
11 exhibit sticker.

12 MR. HAEFELE: Objection.

13 A. No, hold on, that's a  
14 mischaracterization.

15 MR. HAEFELE: It is also --

16 A. I provided --

17 MR. HAEFELE: We provided you  
18 one with a sticker on it.

19 A. I provided two different  
20 documents. 2800-A has a sticker on it and  
21 it is the translation of this document.  
22 This document is the original document. It  
23 was paired along with it. I don't know why  
24 it doesn't have an exhibit sticker. But if  
25 you are accusing me of manufacturing

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2 exhibits, that's false.

3 Q. Well, we can dig into this a  
4 little further. I mean, the case you cite,  
5 first of all, United States versus Osama  
6 Bin Laden, do you know who the lead  
7 defendant is in that case?

8 A. In the case?

9 Q. Yeah.

10 A. Sorry, excuse me, this is --  
11 sorry, you know something, I think you are  
12 right, it may be -- it is footnoted to the  
13 wrong case, sorry. It is supposedly the  
14 World Trade Center bombing case. This is  
15 the wrong case, but the exhibit number is  
16 correct.

17 Q. The case you cite, and answer  
18 the question, the lead defendant in the  
19 case is not Osama Bin Laden, is he?

20 A. I'm sorry, are you -- are you  
21 talking about this document?

22 Q. No, no, I'm asking something  
23 else, because I'm trying to figure out what  
24 you did to confirm this allegation here,  
25 and you cite this U.S. versus Osama Bin

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2 Laden, and I guess what my question is,  
3 when you looked into that case, the case  
4 file, do you note that the lead -- do you  
5 know what I mean when I say "lead  
6 defendant"?

7 A. I guess, but I don't know. I'm  
8 not sure what you are referring to. I just  
9 wanted to make a note that it is the wrong  
10 case that is listed here. The footnote has  
11 the wrong case that is listed here. But  
12 the -- sorry, go ahead.

13 Q. Let me be clear. When I use  
14 the term "lead defendant," which somebody  
15 is indicted in federal court and it is a  
16 multi-party case, the case will carry the  
17 name of the first person who appears on the  
18 indictment. So in this case, when you look  
19 at case number 798-CR-1023, do you dispute  
20 that the lead defendant is Hage, H-a-g-e,  
21 not Bin Laden?

22 A. You mean al-Hage?

23 Q. Hage. Do you dispute that he  
24 is the lead defendant, Hage, not Bin Laden?

25 A. I don't know what difference



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2 that would make to my report. I don't know  
3 if I dispute it, I have no idea. I don't  
4 -- this is not something relevant to my  
5 report. I cited this the way it is because  
6 this is the way the case is commonly  
7 referred to.

8 I'm not -- you know, again,  
9 either way, I put the wrong case, it's not  
10 United States v. Bin Laden, it is the World  
11 Trade Center bombing case. Unfortunately I  
12 put the wrong case number. But the reason  
13 is because it is also Southern District of  
14 New York. But that's -- yeah, this is --  
15 this is from the World Trade Center bombing  
16 case.

17 Q. So the cite that you have at  
18 295, the case name is wrong, and then when  
19 you look to the document, you indicate  
20 that, quote, in your report, "the envelope  
21 was marked with the letterhead of BIF with  
22 a notation explaining that BIF is a branch  
23 of World Assembly of Muslim Youth."

24 That's not what it says on this  
25 document, does it?

1 KOHLMANN

2 A. I say about the BIF logo, and  
3 if you look at the top, those interchanging  
4 hands right there, that's the BIF logo. So  
5 unless BIF is using the exact same logo as  
6 Lajnat al-Birr al-Islamiyya, which, again,  
7 my understanding is that they are the same  
8 organization, right, that's the BIF logo.

9 Q. And didn't you see in the  
10 discovery materials that part of the  
11 problem that WAMY discovered was that  
12 Batterjee was deliberately using a logo  
13 that looked very similar for BIF, that  
14 looked very similar to that for LBI, and  
15 that that was part of the confusion, that  
16 is what Batterjee was deliberately doing to  
17 confuse people between the organizations so  
18 they would give money to BIF thinking it  
19 was LBI, didn't you see that --

20 A. That is a -- that is a claim.  
21 That is a claim.

22 MR. HAEFELE: Objection.

23 A. That is not a fact, that is a  
24 claim. And, again, there is no doubt  
25 whatsoever here that whatever you assert

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2 that Adel Batterjee may or may not have  
3 done, that right there is the BIF logo. So  
4 that is why I included this. If you want  
5 to argue that Adel Batterjee stole the logo  
6 or somebody else stole the logo, you can  
7 make that argument. But, again, the reason  
8 I stated this is because BIF's logo is  
9 right there.

10 Q. So whether it is similar to the  
11 LBI logo or similar to the BIF logo, you  
12 don't know, would you agree with that?

13 A. I don't believe it.

14 MR. HAEFELE: Objection to  
15 form.

16 A. I don't believe it. That's the  
17 problem. Like I don't have -- at a certain  
18 point in time, all these claims don't  
19 necessarily make sense when you add them  
20 all up. In this case it doesn't make a lot  
21 of sense to me that the logo is exactly the  
22 same. The name is the same and now they  
23 are claiming it is something different. I  
24 don't believe those assertions. That's a  
25 claim. Again, I have weighed those claims

1 KOHLMANN

2 against the evidence, right, and either  
3 it's a dramatic coincidence across multiple  
4 countries around the world or else WAMY and  
5 BIF are working closely together.

6 Q. Or it is deliberate fraud by --

7 A. That is my -- that is my --  
8 that is my assessment as an expert. I have  
9 provided you my assessment as an expert.

10 You can disagree with it, but that is what  
11 the logic that went into this particular  
12 document. Again, though, to be very clear,  
13 you are correct, this is not from U.S. v.  
14 Osama Bin Laden, et al., it is from the  
15 World Trade Center bombing case, it is  
16 simply I put the wrong case name.

17 Q. In making your opinions in this  
18 case as an expert, did you ever consider  
19 the possibility that Batterjee could have  
20 been perpetrating a fraud between BIF and  
21 LBI, trying to represent that they were the  
22 same or similar when in fact they had no  
23 association?

24 A. Absolutely. I certainly  
25 considered that. I just don't -- I don't

1 KOHLMANN

2 find that to be credible.

3 Q. Okay. And then let's look back  
4 to 195, which you wrote. You said "the  
5 envelope was marked with the letterhead of  
6 BIF with a notation explaining that BIF is  
7 a branch of the World Assembly of Muslim  
8 Youth."

9 But beyond the logo, the name  
10 that it says there is Lajnat al-Birr  
11 al-Islamiyya, that is not BIF, is it?

12 A. Again, as far as I'm aware,  
13 this is another alias for BIF. I have seen  
14 this used interchangeably with the two  
15 organizations in various different  
16 countries. So, again, what I would say to  
17 you is I understand you are asserting that  
18 they are two different organizations and I  
19 understand that is what WAMY is claiming.

20 As far as I understand it, if  
21 you have -- if you have the BIF logo on top  
22 and you have a known alias for BIF  
23 underneath it and underneath that it says  
24 World Assembly for Muslim Youth, I mean,  
25 that gets away from the whole question of

1 KOHLMANN

2 what it was. There was a bomb making  
3 manual inside this envelope. Why was there  
4 a guy carrying a bomb making manual inside  
5 this envelope?

6 Q. We are not asking about that.

7 MR. HAEFELE: Mr. Goetz, before  
8 you go, one more time, can I get the  
9 document put in the file share? I'm seeing  
10 this is item number 26 from your files  
11 today.

12 MR. GOETZ: Yeah, and it should  
13 be now Exhibit 1045. Sorry, for the  
14 record, that's what it should be.

15 (Exhibit 1045 marked for  
16 identification)

17 MR. HAEFELE: Yeah, the 1045,  
18 I'm only at 1044, and I have refreshed  
19 countless times. While I have been  
20 patient, I have been waiting, you know,  
21 countless times to do it.

22 MR. GOETZ: And, again, I have  
23 no control over that.

24 Q. But, Mr. Kohlmann, we are not  
25 getting into assertions. I'm just trying

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2 to dial in on what you wrote in your  
3 report. And in your report, you wrote  
4 "with the letterhead of BIF with a notation  
5 explaining that BIF is a branch of the  
6 World Assembly of Muslim Youth," and  
7 accepting everything you said about alias  
8 and everything else, I'm just asking what  
9 this document says, and it does not say  
10 BIF, does it?

11 A. That is -- that is your  
12 assertion. I keep --

13 Q. No, no, no.

14 A. -- goes by a number of  
15 different names, a number of different  
16 aliases, such as Benevolence International  
17 or BIF or the name in Arabic or, for  
18 example, Lajnat al-Birr, simply Lajnat  
19 al-Birr. It goes by these different names.

20 Now, I understand the assertion  
21 by WAMY is that they are two separate  
22 organizations. I understand that. I  
23 appreciate that. Based on my analysis,  
24 that is not credible. Based on my  
25 analysis, these two organizations operated

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2 very closely with one another  
3 symbiotically, right?

4 So when I see a document that  
5 has the BIF logo on the top of it and it  
6 has a known alias, what I know to be known  
7 alias for BIF underneath and then it says  
8 World Assembly for Muslim Youth, that's why  
9 I described it there.

10 Q. So even though this document  
11 says Lajnat al-Birr al-Islamiyya, when you  
12 were writing your expert report, you chose  
13 to describe -- to basically attribute this  
14 alias to it and then in describing that in  
15 your report in terms of what this envelope  
16 looked like, you did not use LBI, you used  
17 BIF; is that right?

18 A. I believe LBI, Lajnat al-Birr  
19 al-Islamiyya, is an alias used by BIF, and  
20 that is why when it says Lajnat al-Birr and  
21 it has the BIF logo, I interpret that as  
22 BIF, again, because I don't distinguish  
23 necessarily between those two groups  
24 because they operate symbiotically. They  
25 may use the same name.



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2 Q. Even though the document says  
3 something else, you wrote it up as BIF?

4 A. Once more --

5 MR. HAEFELE: Objection.

6 A. I can go through it again. The  
7 answer is that sometimes people operate by  
8 aliases. I did not include the verbatim  
9 name because I understand Lajnat al-Birr  
10 al-Islamiyya to be an alias used by BIF.  
11 So rather than use -- rather than use the  
12 explicit name in here, I used the  
13 description, an alias, to refer to this.  
14 But clearly it is footnoted, so if there is  
15 any question, you have this right here.  
16 But yeah, no, I don't think -- the logic  
17 here is very clear.

18 Q. Okay, let's stop it there. I  
19 think you have answered the question.  
20 Let's go to paragraph 171 of your report.

21 MR. HAEFELE: Just so we're  
22 clear, Mr. Goetz, I'm objecting to the fact  
23 that you have provided an exhibit that's  
24 not the full exhibit. The document that  
25 was produced had one more page to it. You

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2 Q. Okay.

3 A. I'm sorry, I believe -- it  
4 appears to be the report I cite anyway,  
5 yes.

6 Q. And the last sentence you have  
7 on paragraph 47, you say "A 2018 report  
8 from Saudi Arabia's official Anti-Money  
9 Laundering authority warned that on-site  
10 inspections of IIRO and WAMY offices in  
11 2016 led to several offices being shuttered  
12 for 'several administrative and financial  
13 violations...to ensure that financial and  
14 administrative imbalance is not  
15 exploited.' "

16 Did I read that correctly?

17 A. Correct.

18 Q. So if we look to page 99 of the  
19 report, that would be 101 of the PDF. What  
20 we have in highlights here at the bottom of  
21 this page of Exhibit 1048, that's the part  
22 that you quote in your rebuttal report,  
23 correct?

24 A. That's correct.

25 Q. And the dot dot dot that you

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2 leave out, to read it in full, is "Based on  
3 the inspection tours, several offices were  
4 closed with several administrative and  
5 financial violations, not for financing  
6 terrorism, but to ensure that financial and  
7 administrative imbalance is not exploited."

8 Did I read that correctly from  
9 the report?

10 A. Yeah, that's correct.

11 Q. And in writing your report, you  
12 deliberately chose to leave out that "not  
13 for financing terrorism" section from the  
14 report, correct?

15 A. Yeah, because that wasn't the  
16 point of this paragraph. If you look at  
17 the title of this section, it is about  
18 violating highly publicized rules on cash  
19 fundraising and proper accounting  
20 procedures. So, I mean, I make that pretty  
21 clear, right? The reason that they  
22 shuttered is to ensure that financial and  
23 administrative imbalance is not exploited.  
24 I didn't claim it was because of terrorism.

25 Q. Did you, in forming your

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2 opinions related to terrorism and terrorism  
3 financing in this case, not feel that it  
4 was important to accurately quote that this  
5 Saudi report made clear that the closure of  
6 those offices was not for financing  
7 terrorism, you didn't think that was  
8 important to note?

9 MR. HAEFELE: Objection to  
10 form.

11 A. I thought it was clear --  
12 sorry, I thought it was pretty clear the  
13 way I stated it especially since the point  
14 of this paragraph has nothing to do  
15 specifically with funding terrorism. It is  
16 specifically about -- the title of the  
17 section -- or the lead sentence in the  
18 section is about violating highly  
19 publicized rules in cash fundraising and  
20 proper accounting procedures.

21 The point of this was not to  
22 suggest that the report indicated that  
23 there was terrorist fundraising going on,  
24 but merely that they continued to violate  
25 their own fundraising laws. So, I mean, I

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2 of, you know, it is just part of the -- it  
3 is part of the expertise that has  
4 developed, but this is not necessarily  
5 unique expertise in the sense that we are  
6 not the only ones who know this. You know,  
7 the sources and methods that we use are  
8 commonly used by others.

9 Q. The last question I have, and  
10 then I will be done, someone in my office  
11 tallied up your bills and I think the total  
12 came out to \$340,895.69. Does that sound  
13 about right for the total of your I guess  
14 billable work in this matter?

15 A. I mean, over the space of about  
16 20 years, maybe. It's possible. I have  
17 never tallied that up obviously. But over  
18 the space of 20 years, yeah, sure, it's  
19 possible.

20 Q. You were retained in August of  
21 2001?

22 A. Or 2004, early 2004, sorry, 17  
23 years. In the space of 17 years, yeah,  
24 it's certainly possible.

25 MR. HAEFELE: More than